

1 Bureau of Ocean Management Regulation and Enforcement

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Public Hearing  
Environmental Impact Supplemental Statement  
Relating to Chukchi Sea Sale 193

November 5, 2010  
Inupiat Heritage Center  
Barrow, Alaska

**VOICE CHECKED/CORRECTED**

BOEM TEAM MEMBERS:

- Jeffery Loman, Deputy Regional Director
- Michael Haller, Community Liaison
- Michael Routhier, NEPA Coordinator
- Bob Peterson, Senior Geologist
- John Callahan, Public Affairs Officer
- Mary Cody, Wildlife Biologist
- Sharon Warren, Program Analysis Officer

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P R O C E E D I N G S

1  
2 (On record at 7:10 p.m.)

3 JEFFERY LOMAN: My name is Jeffery Loman. I'm the Deputy  
4 Regional Director of the Bureau of Ocean Energy Management  
5 Regulation and Enforcement, formerly the Minerals Management  
6 Service, probably more commonly known as MMS. They changed our  
7 name. And they are going through a major ongoing reorganization  
8 of the Agency with the goal to restore the public's trust. So  
9 that's who I am. We've got some other members of our team,  
10 some folks that have come to Barrow for the -- in the  
11 communities that we've traveled in for the first time, so I'm  
12 going to let them introduce themselves starting with Mike.

13 MR. ROUTHIER: Okay -- hi my name is Mike Routhier. I've  
14 worked on National Environmental Policy Act documents for the  
15 Agency.

16 MR. HALLER: I'm Mike Haller. And I'm the Community  
17 Liaison for the Bureau.

18 MS. CODY: Mary Cody, and I'm a Wildlife Biologist with  
19 the Agency.

20 MR. HOLDER: Tim Holder. I'm with the Agency and I'm  
21 based in Washington and (indiscernible). Based in Washington D.  
22 C. and I keep track of the Agency's activities are  
23 (indiscernible).

24 MR. LOMAN: Thank you. And thank you again for taking the  
25 time out of your Friday evening to attend this public hearing.

1           The purpose of this hearing is born out of a couple of  
2 things. First, I guess, the National Environmental Policy Act  
3 or a law called NEPA, Federal environmental law that the Agency  
4 must comply with when it intends to take a major Federal action.  
5 In this case we have prepared a Supplemental Environmental  
6 Impact Statement to address concerns that came out of a Court  
7 remand.

8           In between 2004 and 2007, the Agency had planned, first, a  
9 sale in the Chukchi Sea, an oil and gas lease sale. Prepared an  
10 Environmental Impact Statement. Finalized that and issued a  
11 Notice of Sale. And then held the sale in the Chukchi Sea in  
12 February of 2008. From that sale, the Federal government issued  
13 487 leases in the Chukchi Sea for a total of \$2.6 billion with  
14 Shell Oil Company being the largest leaseholder, holding a total  
15 of about \$2.1 billion in leases in the Chukchi Sea.

16           The Agency was challenged through litigation. Litigation  
17 filed in Federal court in a case that went before the Alaska  
18 District Federal Court, Judge Beistline. And the Court decided,  
19 in short, this, that, for the most part, the Agency complied  
20 with the provisions of NEPA. But the Court found that the  
21 Agency had not, and should have, analyzed the effects of any  
22 natural gas development and production that might occur. And,  
23 in these leases there were incentives for natural gas associated  
24 and connected with those leases.

25           The Court also said that the Agency must address. from

1 Section 1502.22 of NEPA, an evaluation analysis of what the Plan  
2 tiffs had submitted in their Exhibit 129, about 40 pages of  
3 excerpts from their -- from the Agency's final Environmental  
4 Impact Statement, statements regarding uncertainty or missing or  
5 lack of information or data. And so that was the remand to the  
6 Agency. And when litigation is filed in a NEPA lawsuit,  
7 typically when the Agency doesn't fully comply with those  
8 provisions in the National Environmental Policy Act, the Agency  
9 is compelled to do NEPA where it didn't do NEPA, do more NEPA,  
10 do NEPA right. Follow the provisions in full measure.

11 So to do that, and address this Court's remand we've  
12 prepared a draft Supplemental Environmental Impact Statement.  
13 Hopefully, you've had a chance to take a look at it. If not, we  
14 have some copies here. It's available online. It's in the  
15 libraries in all of the communities from Barrow, all the way  
16 through to Kotzebue. And it's probably going to be one of the  
17 shortest, if not the shortest environmental document, that this  
18 Agency produces. Usually our Environmental Impact Statements  
19 are much larger and onerous and complex. This document is  
20 shorter and very straightforward.

21 So, we're here to take comments that you may have about  
22 this draft Supplemental Environmental Impact Statement. But we  
23 can talk about anything else. Talk about anything else you want  
24 to talk about. But especially, we're interested in talking  
25 about your concerns about our Agency. An Agency that is going

1 through a major reorganization with the President of the United  
2 States' goal to create several Agencies, actually that will  
3 restore the public's trust. And I think for us, at least for  
4 me, being part of the Senior Management Team in Alaska, the  
5 public trust in the communities of the Arctic are the most  
6 important to us. They come first, that portion of the public.  
7 And I would submit that, if we can restore the trust of the  
8 communities in the Arctic, the rest of the United States will  
9 follow.

10 So we probably have a lot to talk about. And we'll start,  
11 I think, with just those who have comments that they came  
12 prepared to present tonight. We have a Court Reporter. She  
13 knows how to spell my name because she's been doing this and  
14 listening to me for days and days now. But she doesn't know how  
15 to spell your name. And so, if you would, if you have comments  
16 to present, you can present them from the chair. You can come  
17 up and use the podium. You can kick me out from in front of the  
18 podium. And I'll sit down and let you stand wherever you want.

19 But she needs to hear you and she needs to know how to  
20 spell your name. So we typically start with -- I like to start  
21 with elders. Barring no comments from elders, I usually go to  
22 Whaling Captains. And so, in that order, I would like to hear  
23 your comments or anything else that you have to say. I bet  
24 Harry has a comment.

25 UNIDENTIFIED MALE: I'll make it so the elders can get a

1 person to come (indiscernible).

2 MR. LOMAN: Okay. It's an open floor -- open to anyone  
3 that would like to provide comments. Does anybody have any  
4 questions while we build up a little courage -- questions about  
5 the National Environmental Policy Act? Questions about the  
6 Bureau of Ocean Energy Management Regulation and Enforcement?

7 UNIDENTIFIED MALE: I have one right now -- just for my --  
8 in terms, I guess in terms of just getting to learn and time,  
9 not hearing a timeframe in terms of when you started your  
10 Supplemental and when do you -- are what timeframe are thinking  
11 to end the comment period?

12 MR. LOMAN: That's a good question. When did we start the  
13 Supplemental? Well this is a little inside view to how  
14 government works. The Court issued their decision July 21<sup>st</sup>. We  
15 read the decision that same day, at least I know I did. And I  
16 read the decision and I said, we've got to prepare a  
17 Supplemental Environmental Impact Statement to address this  
18 remand.

19 Well then the Agency consulted with its colleagues at  
20 headquarters and its attorneys. And a whole week or a week and  
21 a half went by before they decided that we have to prepare a  
22 Supplemental Environmental Impact Statement so I would say by  
23 that time we were into August. And we probably -- I didn't let  
24 the people like Mike know that they had to take the working over  
25 until mid-August or maybe even late August. Something like

1 that?

2 MR. ROUTHIER: Yeah.

3 MR. LOMAN: Yeah. So mid to late August is when we  
4 started -- and a couple of important dates. The first, I guess,  
5 and most important date for those that want to comment to the  
6 Agency on this particular document, is the deadline for taking  
7 comments which is November the 29<sup>th</sup>. So there's still quite a  
8 bit of time, but not a lot of time left to take your written  
9 comments. You can send them by email, regular mail or hand  
10 write them tonight if you would like, and we'll carry them back  
11 with us.

12 UNIDENTIFIED FEMALE: I have a quick point on that.  
13 Something I saw that were sent out by the Agency saying November  
14 30<sup>th</sup> including the one that was sent to the Borough, the Mayor's  
15 office, along with the draft of the Supplemental.

16 MR. LOMAN: I'll make a command decision and move that  
17 comment date to November 30<sup>th</sup>. And I don't doubt for a minute  
18 that there was some confusion there. The EPA announced -- they  
19 set the comment date and deadline date automatically. And  
20 theirs was the 29<sup>th</sup>, but we'll go right into the 30<sup>th</sup>, no problem.  
21 And, from a practical standpoint, we take them until we really,  
22 you know, have to get things moving.

23 But, yeah, the 30<sup>th</sup> could have been put out. People count  
24 how many days -- I mean count -- the EPA counts one way,  
25 somebody else counts another. So that's an important date.

1           The other important date, which is more important for us,  
2 is the Court said, when some of the parties in this litigation  
3 said to the Court, this shouldn't take a long time. The Agency  
4 can do this in about 60 days or less. That was Shell. Shell,  
5 as you can well imagine, after spending over \$2 billion on  
6 leases has an interest in this case. And the Court said, well  
7 six months from my initial ruling, January 21<sup>st</sup>, the Agency  
8 should have that done.

9           It's unknown what the Court really means, by done, because  
10 the way NEPA works, in addition to requiring the Agency to  
11 analyze the effects of a major Federal action, in addition to  
12 being a Sunshine Law and have everything that we do, like this  
13 draft document -- this draft document, open and available for  
14 your review to take your comments. Hold public hearings like  
15 this one, answer those comments, try to address any concerns  
16 that come out in these public hearings. NEPA requires that we  
17 issue a final EIS -- allow for review before a record of  
18 decision comes. There's a time period there. Remember, it's 45  
19 days.

20           And then, issue a Record of Decision. In this case, the  
21 Record of Decision is probably going to be pretty simple in that  
22 the Secretary can either reaffirm the Sale, let the Sale stand  
23 as it is, or not. Not would be some work for us because we took  
24 \$2.6 billion into the U.S. Treasury from these companies and  
25 issued these leases. So we would have to back away from our end

1 of the bargain, or the United States end of the bargain. Pay  
2 some money back and deal with the leaseholders.

3 We think, after giving some thought about the draft  
4 Supplemental that we have before us, that the Secretary can  
5 reaffirm the Sale. But we're not there yet. And we haven't  
6 finished listening to comments, reading comments and addressing  
7 comments that we receive. So we really don't know yet.

8 MS. LEAVITT: For the record, I'm Roberta Leavitt, L-E-A-  
9 V-I-T-T.

10 MR. LOMAN: Thank you.

11 MS. LEAVITT: I think to a few of these MMS -- I'm sorry I  
12 can't remember what your Agency --.

13 MR. LOMAN: Bureau of Ocean Energy Management.

14 MS. LEAVITT: Maybe you should write it as I'll remember.  
15 But --.

16 MR. LOMAN: It doesn't make any difference.

17 MS. LEAVITT: I signed my name in and I was requesting for  
18 copies. I got one. But then, now you're saying another one is  
19 out. How do we get on the email list? Or is it only a one time  
20 email that you get information for? I mean like how are we  
21 going to know what you're asking questions about, but we still  
22 have concerns about what's going on. And maybe you should have  
23 had copies out, ready for us, to -- try and look at it at least.

24 MR. LOMAN: Did you get a copy of this document?

25 MS. LEAVITT: No.

1 MR. LOMAN: No, okay.

2 MS. LEAVITT: The one I got was four volumes.

3 UNIDENTIFIED FEMALE: You have any more of those?

4 MR. LOMAN: I think we have a few more here. They're  
5 available online.

6 MS. LEAVITT: And how are we supposed to know when they're  
7 available online when, you know, we're not bigwigs. But I  
8 consider myself a bigwig being a Captain's wife.

9 MR. LOMAN: Un-huh (affirmative).

10 MS. LEAVITT: You know this stuff is important to me,  
11 along with my family and what we do. And I want to know about  
12 what this stuff is doing too, you know. Because I'm the one  
13 hunting and I go hunting with my husband. I butcher his  
14 catches. And I've got words to say too, but I can't say them if  
15 I don't know what you already -- it's like you already got all  
16 these things figured out. And you haven't even heard me.

17 MR. LOMAN: Un-huh (affirmative).

18 MS. LEAVITT: I'm like, this is your first meeting here  
19 under a new name, but I know I've seen you before.

20 MR. LOMAN: I remember you.

21 MS. LEAVITT: So you see what I mean? How do I know?

22 MR. LOMAN: Well --..

23 MS. LEAVITT: I'm not in a position -- I'm not in a  
24 Director's position. You know, I have internet on my own -- at  
25 my own home.

1 MR. LOMAN: Un-huh (affirmative).

2 MS. LEAVITT: I only saw this meeting posting a week ago.

3 MR. LOMAN: Un-huh (affirmative).

4 MS. LEAVITT: Like, where am I supposed -- it didn't even  
5 say where I could get this kind of information.

6 MR. LOMAN: Well --.

7 MS. LEAVITT: It was -- it should be on the TV or around  
8 me --. It should be on the radio. I know there was -- it's in  
9 the paper. But then that, you know, that -- I didn't see that  
10 until way later.

11 MR. LOMAN: Okay -- let me just say this. We can put you  
12 on our list and send you everything we send to everybody, bigwig  
13 or not. You'll be as big a wig as you can get. And we're happy  
14 to do that. We have a list -- it's a long list. And we can  
15 send you all of environmental documents. You may or may not  
16 want that. But you can always tell us to stop. So that's a  
17 start.

18 The other thing that's easy to do is just go to our web  
19 page, which is not too hard to navigate, the Alaska Bureau of  
20 Ocean Energy Management Regulation and Enforcement, used to be  
21 MMS, web page. And you can check on us daily or weekly and see  
22 what we have going on. We have a lot going on. But it's not so  
23 much that once a week a concerned person, like yourself, could  
24 check and see what we're up to. And then you can call 907-334-  
25 5200 and ask for me. And I'll give you an update on the

1 telephone every day if you want. That's easy to do. And I talk  
2 to a lot of people. And I talk to a lot more people that are  
3 just like you and me than I talk to bigwigs, that's for sure.  
4 And I'm glad to do that.

5 MS. LEAVITT: Can you say that number again?

6 MR. LOMAN: 907-334-5200. And if you get a recording  
7 because it's after hours or they're tied up and they can't get  
8 to the call, the urgency number is my cell phone number that I  
9 carry 24 hours a day. And now, thanks to improvements, it works  
10 in all the communities in the Arctic, as it's worked all week  
11 this week traveling through Kotzebue, Point Hope, Point Lay and  
12 Wainwright and here. So, you can get a hold of me 24/7.

13 Yeah, and we'd be happy to put you on that list. Mike,  
14 you can make a note and get her on that list that you guys  
15 maintain. Don't blame me though, when they bury you in  
16 paperwork.

17 MS. LEAVITT: It's important. You know even just an email  
18 --.

19 MR. LOMAN: Sure.

20 MS. LEAVITT: -- to say there's an update or, you know. I  
21 know how much it is to send this out, especially the one I got  
22 before, four volumes.

23 MR. LOMAN: We have to FedEx it to get it to people quick  
24 enough to --.

25 MS. LEAVITT: Right, so even just an email might even be

1 cheaper for you. But still having that Notice sent to other  
2 people that are in big positions you know. I'm sorry, but I do  
3 consider myself in a big position.

4 MR. LOMAN: I do too.

5 UNIDENTIFIED MALE: I feel the same way as her. I just  
6 got that little piece of paper that was a notification about the  
7 meeting. And I don't know how you guys send them out. It takes  
8 -- you said something about Fairbanks. It used to take about  
9 two weeks to get it.

10 MR. LOMAN: Anchorage.

11 UNIDENTIFIED MALE: And so we have this by-pass mail that  
12 takes forever to reach up here. So, this notification -- my  
13 daughter's at home. My daughter reminded me that there's a lot  
14 of vehicles over here, so I came over here. There's no  
15 notification at all.

16 MR. LOMAN: Uh-huh (affirmative). Okay -- noted on there.  
17 Somebody in the back?

18 MR. SAM: My name is Sam (ph). I was just going to  
19 suggest for these important documents, your meeting is right  
20 next door to the library. And it might be worth talking to a  
21 Library Director and seeing if he would receive a set for the  
22 community.

23 MR. LOMAN: Yeah, they're sent -- the libraries are sent  
24 automatically. And there's a copy over there. Yeah, that's  
25 another source is the local library. I don't know -- we

1 physically looked and found them in the, even in like Point  
2 Hope, Kotzebue, the libraries. We had our meetings in some of  
3 the libraries in the villages and they did arrive there. But,  
4 you know, a library puts them on the shelf and doesn't put a  
5 blinking light on them. Yes sir.

6 MR. OLSON: My name is Donald Olson. I'm the State  
7 Senator from the area and one of the -- I'm not that familiar  
8 with the new NEPA. I know that's what you're trying to do is  
9 get comments on it. But the concern that we have in the last  
10 six months is that a lot has happened as far as dealing with  
11 offshore drilling and those kind of things.

12 Obviously, in April, we had the blowout down in Gulf of  
13 Mexico. In June you had the Beistline -- Judge Beistline's  
14 decision related to that. Then you had the moratorium put on.  
15 And a number of developments have happened. And with President  
16 Obama in place and his mental framework, and then now we've just  
17 gone through an election where it looks like the Republicans  
18 have taken over control of, at least, one of the bodies. And  
19 we're going into this time now and it's all over-shadowed by the  
20 fact that, during the last session down in Juneau for the State  
21 Legislative session, we couldn't get a Coastal Zone Management  
22 Plan through, that MMS always is very familiar with.

23 With that in mind, how is this new NEPA law going to  
24 protect the people that are along the coast, if you're  
25 prioritizing against something that may -- we'll have disasters

1 (indiscernible) declares another mishap, especially if ice is in  
2 place. And, what kind of protection can you assure the  
3 constituents, myself included, that we'll have something to hang  
4 our hat on?

5 MR. LOMAN: NEPA isn't new. Signed into law by President  
6 Nixon. It's probably one of the premiere Federal environmental  
7 laws. It's definitely the most litigated Federal environmental  
8 law (indiscernible). And the -- in the beginning Federal  
9 agencies were slow to comply. And people who challenged Federal  
10 agencies prevailed, in the beginning. That changed as the  
11 Federal government, all these different Agencies taking every  
12 kind of Federal action imaginable.

13 Just to let you know, I've worked for -- on NEPA projects,  
14 starting with Hazardous Waste Facility, when I worked for the  
15 Navy, the EIS for that. I've worked on NEPA projects that  
16 involved large hog farms, hydropower re-licensing. So there's  
17 just a huge variation of things that the Federal government  
18 might have to comply with NEPA on. But it's a planning  
19 document. And it's designed to inform the public, get public  
20 participation. And then inform the ultimate decision maker of  
21 the effects to the human environment.

22 And when you do an Environmental Impact Statement, there  
23 may be negative effects. And there may be significant risks to  
24 the human environment. And then it's going to be up to the  
25 Secretary of Interior, or whomever he or she delegates, to make

1 a decision whether or not that risk is acceptable.

2 And in the case of the Chukchi Sea Sale 193, I had just  
3 come to work for, then, MMS. Happened to be in Washington D.C.  
4 for some meetings when they briefed the Assistant Secretary of  
5 Land and Minerals Management on this upcoming lease sale. It  
6 was his decision, Steve Allred (ph) was his name. I actually  
7 knew him when he was a State -- the State head of Idaho's DEC.  
8 I was a Federal employee. He was running the State of Idaho's  
9 Department of Environmental Conservation. Now he's the  
10 Assistant Secretary of Land and Minerals. He's delegated the  
11 Secretary's authority to make the decision to go ahead with the  
12 Chukchi Sea Sale or not.

13 He asked the question -- he said, there's a roomful of  
14 people. I'm just a little guy sitting there from Alaska. And  
15 he said, well now that the Secretary's been up there on the  
16 North Slope and talked to those folks, are they still worried  
17 that the oil companies can't clean up a major oil spill? Oh,  
18 oh, you know, that's one of those questions where they're asking  
19 and the real answer is something they might not want to hear.  
20 So there's dead silence in the room. And I had just been up at  
21 these communities managing, scoping meetings for the Arctic  
22 multi-sale EIS that we were working on. And so, I knew, no,  
23 people were not confident in industry's ability to clean up a  
24 major oil spill. And I said, no, they're not. They don't  
25 believe it.

1           And so his next question was, well, can they? And I said,  
2 in the worst weather day in the Arctic, they'd be lucky just to  
3 stay alive, much less clean anything up. So, you know, I bet my  
4 money on prevention -- better not have a major oil spill. And,  
5 you know, he thought about it for a minute and he said, what  
6 does it say in our documents? I said, there's a risk but the  
7 risk is remote. And that, if there's a major spill, that they  
8 might clean up a 12 percent of what's spilled.

9           MS. LEAVITT: Now when you say remote, though, whose  
10 decision is that?

11          MR. LOMAN: Well, remote --.

12          MS. LEAVITT: Remote on their end -- it's real high on our  
13 end.

14          MR. LOMAN: Statistically -- I'm using remote from a  
15 statistical percent. Is one in ten thousand or greater?  
16 Somebody might say that's remote. You might say it's not remote  
17 enough, you know. That's -- and I --that's totally acceptable.  
18 But he said, I'm going to go ahead and approve it anyway. But I  
19 want the lawyers to look at it. He looked around the room and  
20 said, you guys aren't like BLM. You don't bring your lawyers  
21 here for this. And let the (indiscernible) guys look at it --  
22 he made the decision (indiscernible) have to say. So there, now  
23 you've got the inside look at how it works. Because that's  
24 exactly what happened.

25          But at least he asked the question. At least he asked the

1 question, how do the people feel? What can industry do?

2 And, quite frankly when you have -- like -- it's the  
3 documents you receive, the big stack of documents. Those people  
4 in that position, they cannot possibly have the time to read, in  
5 entirety, all of the environmental documents that come before  
6 them. But the bottom line decision, the risks that are out  
7 there, how people feel, he can ask the question or he can read  
8 the Executive Summary. The choice is his. And we serve the  
9 Administration, their political appointees. And our job is to  
10 tell the truth.

11 UNIDENTIFIED FEMALE: What is the plan, God forbid,  
12 there's a spill? What is the plan?

13 MR. LOMAN: If there's a spill? Well, right now we have  
14 an updated, for example, we have an updated exploration plan  
15 that was submitted to us by Shell. In addition to their past  
16 exploration plan that they submitted for what would have been  
17 this past open water season, which did not take place because of  
18 the Deepwater Horizon spill, they have added a few more things,  
19 in addition to what they intend to do.

20 And what they intend to do is to put enough on site 24/7,  
21 right there on the spot, spill response capability to clean up a  
22 worst case discharge. Now we all saw the Deepwater Horizon.  
23 There was straight uncertainty about a number of things. How  
24 much is coming up of this thing? The rig catches on fire. It  
25 topples over. And now there's a massive release, uncontrolled

1 release of oil coming up.

2 In the Deepwater Horizon case, it's coming up a mile deep,  
3 a mile deep. So, no, there's a scale like this. That's -- on  
4 our scale it would be a mile deep. And this oil is coming out  
5 and moving to the ocean. They don't know where it's going to  
6 surface. And we all know, from watching the news, didn't know  
7 exactly how much. Well, as it turned out, when they really got  
8 a good calculation of how much was coming up, and it was a lot,  
9 it was very close to the worst case discharge analysis that was  
10 done, very, very close.

11 So Shell is prepared to deal with an uncontrolled release  
12 of the worst case discharge estimate right there on site. Now,  
13 does that mean that the worse weather days won't disrupt with --  
14 they're prepared to do? No. On the worse weather days in the  
15 Arctic, real bad luck weather days, in addition to the bad luck  
16 oil spill that shouldn't happen in the first place, I start --  
17 I start to lose some confidence then. But they've added some  
18 more -- a second drill rig to drill a relief well will be there  
19 right in the region, ready to go to work in the event that they  
20 need to do that. That's another thing. Remember the Deepwater  
21 Horizon, it was -- I don't remember exactly now -- you try to  
22 forget it, it's such a -- I don't know, you forget pain, I  
23 guess. But it took days, weeks before the relief well started  
24 to drill.

25 You remember the containment dome that they built while

1 the uncontrolled release was occurring. Shell now intends to  
2 have a containment dome right there on site. But instead of the  
3 mile depth, Shell's is 150 feet deep. The oil will come, in the  
4 event of an uncontrolled release, will come to the surface in  
5 seconds, not days. The oil will come to the surface right  
6 there. It won't travel, because it doesn't have to travel far -  
7 - 150 feet has a pressure of -- do the math now, three, four,  
8 five, about five times the pressure we're under now. We're  
9 under atmospheric pressure of 14.7 pounds per square inch. The  
10 pressure at a mile depth is over 200 and, about 2.300 pounds per  
11 square inch. It's like being -- it would be like being inside  
12 of a scuba bottle fully charged, tremendous pressure and  
13 tremendous depth. That's not the case in the Arctic.

14 So, Shell's proposed response is about at the place where,  
15 if you start adding more, just to be sure, then more means more  
16 impacts. The more ships, the more chance for bird strikes into  
17 ships, more chance for ships to run over marine mammals, the  
18 more chance of more ships disrupting activities, other  
19 activities, including some subsistence activities, in my mind.

20 UNIDENTIFIED FEMALE: I guess my biggest worry is the ice.  
21 What if there's a leak under the ice?

22 MR. LOMAN: Well, under the ice -- and ice comes in, as  
23 the Whaling Captains, that are in the room, know ice a lot  
24 better than I do. But ice comes in different forms. Right now,  
25 I think we're looking at -- out here now what is typically

1 called young ice. That's ice that can be managed, moved around.  
2 Thicker ice, and very thick ice that can't be managed, then you  
3 have oil under ice.

4 What will they do? They're going to have to continue --  
5 they have to continue and their plan calls for them to continue  
6 to go after that oil that's been spilled in an uncontrolled  
7 release. How do they do it? They've got to get through the ice  
8 and get at it.

9 UNIDENTIFIED FEMALE: How -- yeah -- how?

10 MR. LOMAN: How to get through ice? Drill through it, cut  
11 through it, move through it through -- move it out of the way  
12 with giant ice breakers.

13 UNIDENTIFIED FEMALE: We don't want you to do that.

14 MR. LOMAN: I understand. No one wants -- the first,  
15 before that starts, you don't want the uncontrolled release.  
16 You don't want the spill. Deepwater Horizon didn't have to  
17 happen. It didn't have to happen.

18 The Exxon Valdez didn't have to happen. The Exxon Valdez  
19 happened because somebody was too tired to make a turn. One man  
20 was too tired to make a turn. If he would have made the turn,  
21 the Exxon Valdez wouldn't have happened.

22 UNIDENTIFIED FEMALE: But you have new voices here --.

23 MR. HARCHAREK: -- that community -- are still affected by  
24 it today. Everybody, not just the Native community that, you  
25 know, wasn't properly taken care of. But everybody is still

1 affected -- 20 years later.

2 MR. LOMAN: I know. I'm sorry -- we have a Court Reporter  
3 -- I'm bad at this -- Judy just remind me.

4 MS. LEAVITT: Where's the microphone.

5 MR. LOMAN: She would like --,

6 MS. LEAVITT: They can hear people in the back.

7 MR. LOMAN: Can you tell us your name and spell your last  
8 name for the Reporter?

9 MR. HARCHAREK: Hi, I'm Art Harcharek. Last name is H-A-  
10 R-C-H-A-R-E-K.

11 MR. LOMAN: Thank you. Yes?

12 MR. HARCHAREK: Twenty years later, the people of that  
13 area are still affected by Exxon Valdez. They say you don't  
14 have to dig very deep into the soil and oil still comes to the  
15 surface. To put all that on one person's judgment, whether he's  
16 tired? I mean, that had a whole community, a whole population's  
17 risks. I don't, you know, see how anybody has the power to even  
18 make that decision. Thank you.

19 MR. LOMAN: Thank you. So -- for some folks that came in  
20 after we started, we're taking comments on a draft Supplemental  
21 Environmental Impact Statement. But we're also talking about  
22 many other offshore oil and gas activities, issues, concerns.  
23 And including the organization we are with, the Bureau of Ocean  
24 Energy Management Regulation and Enforcement, formerly MMS. An  
25 organization that is going through a major restructure and

1 reorganization -- so.

2 UNIDENTIFIED FEMALE: You guys are going through a major  
3 restructure organization right now?

4 MR. LOMAN: Yes.

5 UNIDENTIFIED FEMALE: Okay. So you we're supposed to  
6 depend on a corporation that's -- doesn't have a very good past  
7 history of oil spills. And then you guys are restructuring the  
8 plans and --?

9 MR. LOMAN: The reorganization is the impetus for it. The  
10 reason that the President has directed it is because the public,  
11 including you obviously, they lost confidence in the Agency's  
12 ability to regulate. And to quote the President, what the  
13 President said was, it's an Agency who discharged their  
14 regulatory authority with disdain. We're showered with gifts  
15 from big oil executives. That's the Agency that I work for. I  
16 worked for it then. I've worked for this Agency for over three  
17 years.

18 I can tell you this. I don't work for oil companies. I  
19 don't take any gifts from oil companies or anybody else. I  
20 serve the Administration with pride, without prejudice. And I  
21 serve the people of the United States. Shell Oil Company is no  
22 important -- more important to me than you are, or anybody else.  
23 And the goal is to create -- and it will be announced, we think,  
24 in a few more months, a new Agency that's the part of our  
25 current Agency, our Inspectors, the regulatory arm. And the new

1 name for that Agency will be the Bureau of Safety and  
2 Environmental Enforcement. And that Agency, the goal is to  
3 restore the public's trust.

4 Some people in Washington D.C. have been given the charge  
5 to put that together, that new Agency, new name. And design it  
6 in a way that will restore the public's trust. They've talked  
7 to us. They said, what's your recommendations? Our  
8 recommendations are, in short, the Agency must be feared and  
9 respected by industry. Feared and respected by industry. And  
10 so, how do you do that? Well, it should be very experienced in  
11 the full spectrum of regulatory activities, all the Federal  
12 environmental regulatory framework, every environmental law.  
13 This new regulatory Agency should be able to enforce. Worker  
14 safety, so the inspectors would have experience as industrial  
15 hygienists, or safety -- workplace safety expertise.

16 In Point Hope the other night, talking to the President of  
17 the Native Village of Point Hope, the President, said we think  
18 that your Agency should start to regulate industry to prevent  
19 disruptions to subsistence activities. Which, I went, you're  
20 right. In the Arctic, this new Agency should have an expertise  
21 that would come from being an MMO, Marine Mammal Observer.

22 Being a Whaling Captain, or at least a whaling -- a  
23 seasoned whaling crew member. An expert on all of those things  
24 of the Inupiat culture that are self-defining practices. All of  
25 the subsistence activities and other activities. Part of a

1 regulatory team that can prevent disruption, erosion or  
2 otherwise harm the culture of the communities in the Arctic.  
3 We're going to make that recommendation. And we think, because  
4 we've had conversations with a number of leaders in Native  
5 Villages and leaders in other organizations, that they will  
6 support that.

7 UNIDENTIFIED FEMALE: It's hard to be respected here when  
8 you look at Valdez -- that these people 20 years later -- they -  
9 - all this was tied up in court and they're just now getting  
10 restitution checks for \$1,200.00 or something crazy like that.  
11 Anybody else know anything about that? You know, when accidents  
12 do happen, the people are not helped at all. The oil's not  
13 cleaned up and the community's (indiscernible). So, until I see  
14 an action to fix that, what's the use?

15 MR. LOMAN: The Exxon Valdez was the impetus for a number  
16 of very powerful Federal laws. The Oil Prevention Act of 1990  
17 came about because of the Exxon Valdez spill. I encourage  
18 people to pay attention to, his name is Kenneth Finegold (ph),  
19 who is administering the fund that has been created. This is  
20 funds, money, that BP agreed to put into an account. There were  
21 175,000 claims that sits before this administration -- this  
22 group under Mr. Finegold (ph) -- is charged with administering.  
23 I listened to him night before last. According to him, 110,000  
24 claims have zero evidence to support them. Now that doesn't  
25 mean they just threw them in the wastepaper basket. They're

1 working with those people to help them put those claims  
2 together.

3 The difference, I think, between what's happening now to  
4 address the harm, the injury, the damages to natural resources,  
5 the lost use of resources, caused by this disaster that BP and  
6 others possibly are responsible for in the Gulf of Mexico,  
7 should set a distinct difference between what we know, and you  
8 correctly articulated to be the case of the Exxon Valdez. We  
9 all live in and under and subject to laws. And the Exxon Valdez  
10 created some powerful new laws. And, so, companies have to  
11 behave differently because of it. And funds were created that  
12 are managed by the Coast Guard and so on and so forth.

13 It's not a perfect world. And I understand the  
14 frustration and fear that people feel because of the misgivings  
15 of shortfalls of government Agencies and the laws of the past.  
16 I feel the same way.

17 MR. BROWER: In common (indiscernible). Harry Brower, for  
18 the record. (indiscernible) In regard to this discussion here  
19 in terms of the oil pollution happening in 1980. That Act is  
20 subject to address -- to compensate the commercial enterprises.  
21 And it doesn't so much address the subsistence -- to -- how do  
22 you compensate for the loss of subsistence resources? It  
23 doesn't identify anything of that sort of thing, in that Act.  
24 I've asked and tried to look with folks that were working on  
25 that Act before. There's different Agencies in there, between

1 the Coast Guard that worked on the oil pollution at Valdez. And  
2 they say, they've been trying to define or putting the means for  
3 compensating the loss of subsistence resources. And, it's not  
4 been addressed to date. And somebody should have. You all have  
5 been involved what the pollution Act is structured. It needs to  
6 be very well understood in terms of how it's supposed to be  
7 compensating commercial uses. The losses (indiscernible). If  
8 you have (indiscernible) comes (indiscernible) compensated for  
9 (indiscernible).

10 MS. WILLIAMS: I am Vera Williams, for the record. I want  
11 to comment on NEPA. You mentioned Shell Oil and about their  
12 prevention program. If the drill rig was to be that close to  
13 collect all that oil, where were they going to take it? Are  
14 they going to take on land? You know, what's the options? And  
15 I, you know, if there's stipulations there, what are they going  
16 to be stipulating -- do with all that oil that's coming out? Or  
17 to take it to somewhere -- what, they going to dispose of it or  
18 put it down the pipeline that is going down from Prudhoe or --  
19 what's the big plan for that, if that was to ever occur? I  
20 mean, I haven't heard. What would happen once they collected  
21 all the oil at their spill?

22 And, another thing also about a compensation for the  
23 subsistence families. I just (indiscernible) about 20, 25 years  
24 ago. Or are you guys going to compensate the Native people? I  
25 know beef doesn't go a long way for us because, we don't eat

1 beef. We eat seals. We eat whales. And one cow will last me a  
2 month. Will I be compensated a cow for the year? That wouldn't  
3 go for us around here. We are Arctic people that need our seal  
4 oil to eat with our food. Those are the types of things that we  
5 could be, you know, thought about when your structure and your  
6 stipulations and your compensation plan for -- for the Natives  
7 that live up here.

8 MR. LOMAN: Thank you.

9 MR. JEFFERY: Hi, my name is Mike Jeffery, J-E-F-F-E-R-Y.  
10 I've lived in Barrow for 33 years. Question is this, you're  
11 saying that this meeting is to comment on the Environmental  
12 Impact Statement. I would like to see -- because I'm not going  
13 to raise my hand because I haven't seen it. Has anybody here  
14 seen it? That we're supposed to comment on?

15 UNIDENTIFIED FEMALE: I've seen it, just now.

16 MR. JEFFERY: Well where is it?

17 UNIDENTIFIED MALE: In the computer.

18 MR. JEFFERY: One copy -- couple of copies?

19 UNIDENTIFIED FEMALE: Because I haven't seen it until  
20 tonight.

21 MR. JEFFERY: Well, I mean, it's not a very meaningful --  
22 if none of us knows exactly what the -- what the recommendations  
23 are. I mean, sometimes when -- I mean it's great that you guys  
24 are making the effort to do outreach to the various villages and  
25 come to Barrow. But, you know, in different hearings there's at

1 least (indiscernible) like, at the beginning. You know here's a  
2 summary. Here's our main (indiscernible). Here's a handout.  
3 And we're all sitting here kind of in the dark except a few  
4 people who made a copy. But they seem to have gotten some  
5 summary of it but. And so I just -- it just needs to be -- we --  
6 -- as we're sitting here, we can't really comment on this because  
7 we don't know what you guys are saying in your recommendations  
8 and stuff like that.

9 Well, you'll certainly be getting some wonderful comments  
10 on the whole idea of offshore oil drilling. That as a  
11 meaningful exercise and comments from this community on a  
12 document that, you know, we haven't seen -- is not meaningful at  
13 all. So, I just think that needs to be kind of registered.

14 And then the other thing is, you know, you've talked about  
15 how much easier it is up here if there was an oil spill compared  
16 to the Deepwater Horizon. But another way of looking at it is  
17 the Gulf of Mexico is a piece of cake compared to the Arctic. I  
18 mean, just think of the ice and the wind. And, you know, these  
19 -- all these people are coming forward to say, oh, well, it'll  
20 be so easy up here because it's so shallow. Well my goodness --  
21 yes it is. But, look at all these other factors that need to be  
22 contended with. So, I mean, these very heartfelt comments here  
23 about well, how are you going to deal with it? Where are you  
24 going to put the oil? I don't get it. What about the ice?  
25 This is all really important stuff. And, somebody focusing on

1 this is easier than the Deepwater Horizon doesn't cut it here.  
2 This -- the environment here is much more difficult. So, that's  
3 my two cents.

4 MR. LOMAN: Let me just respond to that quickly. I hope -  
5 - sometimes it may sound that way. The people think that my job  
6 is to come here and talk somebody into something. That my job  
7 is to put those kinds of fears to rest. That it's my job to say  
8 it's so much easier. We talked about ice management problems  
9 and the Assistant Secretary -- I don't know if he had arrived  
10 yet. The Secretary of Land and Minerals Management, when he  
11 asked if people thought industry could clean up a significant  
12 spill before he made the decision to go ahead with the Chukchi  
13 Sea Sale, the answer from me was no. People aren't confident in  
14 it. And his next question was, can industry do it? And I said,  
15 quote, myself -- I remember it very well. On the worst weather  
16 day in the Arctic, they'd be lucky to stay alive much less clean  
17 anything up. And that's part of this NEPA process is to do  
18 analysis. Inform the decision maker and tell the truth. Not  
19 always say what people want you to hear. Some Administrations  
20 might want to promote development. Some Administrations might  
21 not.

22 One thing about all Administrations, they want to do this.  
23 They want this activity, when it does occur, it occurs safely.  
24 And they want this industry to act within an environmentally  
25 responsible manner. That's done through endless demonstration,

1 not a bunch of slapping on the back and talking about what a  
2 great record we have. Like they and my Agency has done in the  
3 past. It's done through endless demonstration. So, please  
4 don't think that I'm trying to talk somebody or alleviate fears.  
5 I share your fears. We're well aware of the hazards of these  
6 kinds of activities in the Arctic. And it's our job to make  
7 sure that, if industry does it, they're fully prepared to deal  
8 with the Arctic environment insomuch as you can be.

9 And then in the end, the decision maker hopefully, is  
10 dutifully informed and makes the right decision. So, to set  
11 that record straight. And, yes sir, you had a comment.

12 MR. NINGEOK: Yeah, Robert Ningeok, for the record. You  
13 guys tell the same people the same thing before you guys --  
14 these spill down there -- down in the states? You guys tell  
15 them the same thing, you telling us?

16 MR. LOMAN: To tell people --?

17 MR. NINGEOK: You told them the oilfield would be safe?  
18 It would be easy for you guys to clean up a spill down there?

19 MR. LOMAN: No.

20 MR. NINGEOK: It's different here. I know the ice flow  
21 and the oil well can drill through the ice and go in the water.  
22 You know, we have strong currents. If that oil spill out of the  
23 pipes, it'll just soak right through. It's going to be  
24 impossible, you know. I worked on the Valdez oil spill. I saw  
25 what you did. We have strong currents -- I go (indiscernible).

1 We'll lose our lives, subsistence -- all our fish  
2 (indiscernible). I was there. I saw it all.

3 MR. JUBA (ph): My name is Patrick Juba (ph). And you  
4 guys talk about the Exxon Valdez and the rig that blew up.  
5 Valdez had just had the oil in it. But the rig that blew up had  
6 chemicals on that platform. And the same things going to be  
7 around those platforms on -- if they start drilling out here.  
8 And don't know how much of that chemical -- it's dangerous for  
9 the animals or even for humans. So, and they say it's a lot  
10 safer. And it'd be a lot easier because it's not as deep.

11 But the shallower it gets, the waves get closer to each  
12 other and it's going to be hard trying to keep them boats in the  
13 water. Because the waves are closer to each other than --  
14 anyplace where it's deep.

15 MR. LOMAN: Thanks.

16 MS. HEPA: My name is Tagulik Hepa, H-E-P-A. I just  
17 wanted to make one comment here about -- seeing like you're --.  
18 I've been attending these meetings. This is my 19<sup>th</sup> year. And I  
19 just want to say that, in the 90s, when I came to these  
20 meetings, there would be a roomful of Whaling Captains  
21 (indiscernible). I just want to thank all the people for coming  
22 today to speak on the issue.

23 But you are correct that there is a lack of trust with  
24 your old organization and your reorganization of your new --  
25 your new BOEMRE -- I think that's the name on it. That it's

1 going to take a lot of work because you need to come to the  
2 community not to talk about a Supplemental EIS, but to talk to  
3 the people of the North Slope how you can regain our trust.

4 Because we've been coming to these meetings for over 25  
5 years. You've heard our hunters, our whalers say the same  
6 things over and over. We are very concerned about OCS  
7 activities. We've always been strongly opposed to it. We  
8 understand that we can't stop it. So the people of the North  
9 Slope need to have a meaningful role. And we need to have that  
10 type of open dialogue and how can we be at the table to make  
11 sure that the right decisions are going to be made to protect  
12 the interests of the North Slope, the interests of our people?

13 And, so regaining the trust, you know, is going to be a  
14 lot of work. So please come back. Meet with the whalers  
15 because I want to see more Whaling Captains come back to these  
16 meetings. There's too much going on. I think people are tired  
17 of talking about the same things over and over. And as the  
18 other gentleman had said here, and Michael, that I don't have  
19 faith that it's going to be easier to clean up an oil spill in  
20 ice conditions. You know, the weather factor today, if there  
21 was an oil spill eight miles out where the lease sales are -- I  
22 have very little confidence that you'd even be able to get out  
23 there to evaluate the situation. I don't think no helicopters  
24 could go out there. I don't think that a big ship could go out  
25 there, you know, to go see what's going on. It's just way too

1 dangerous. The conditions are very extreme. We have a lot of  
2 respect for the ice and the oceans out there. And we understand  
3 the force that they have. Thank you.

4 MR. LOMAN: Thank you.

5 MS. LEAVITT: Roberta Leavitt again. I got two questions.  
6 One goes towards the production for what Vera was saying. When  
7 you have the production flowing, what is the process? Like she  
8 was asking, is it going to go through Prudhoe Bay? And we all  
9 know that Prudhoe Bay was only lifetime expectancy was going to  
10 be 25 years. And it's already starting to break down. There's  
11 even been people who are supposed to be Inspectors or even  
12 qualified to be Inspectors. And we can't -- we don't, you know  
13 -- how can it be stronger so that the Natives even have a word -  
14 - a say in those inspections? You know, you didn't even hear us  
15 when we were telling you that the whales go through that  
16 migration route is right there where the sales happened.

17 And we say -- we say -- we say and still it's not being  
18 heard. We're gonna still come and say, you know, that's because  
19 our trust is still not there. I read about it. I heard through  
20 PBS that Shell, not Shell but BP's had all these other extra  
21 problems on land. Now you harvested in the water bringing to  
22 land -- where is it going to go? Is it going down that same  
23 pipeline that's deteriorating? Are they going to make a new  
24 one? Have they even decided any of that yet?

25 We see all of that because it's a long term thing for us

1 up here, with our subsistence. I get sick animals from the  
2 ocean and I know that they don't smoke. I have seals that come  
3 back with cancer. And we still can't -- how are they getting  
4 it? You know we weren't getting any answers of how it's getting  
5 into the ocean. But we tell them and tell them and tell them  
6 over and over again that we're harvesting sick animals. I get  
7 at least three, two, maybe three a year that I cannot use or  
8 eat.

9 And it's not what we're doing. You know, that's our  
10 respect for the land, our respect for the water. And we still  
11 have to voice it, because people that do not live here are  
12 making decisions of our lives, what we live off of. And there's  
13 -- how many times of patients now. You know, how do you know  
14 that they're not getting it from what they're eating?

15 UNIDENTIFIED MALE: (Indiscernible).

16 MR. LOMAN: People start off -- it happens all the time --  
17 they start off I've got a couple of questions but.

18 UNIDENTIFIED FEMALE: Can you answer the question on how  
19 it's going to land or where it's going?

20 MR. LOMAN: Contaminants? Or --.

21 UNIDENTIFIED FEMALE: No -- is there going to be a  
22 pipeline?

23 MR. LOMAN: Yeah, that. I'm glad you said that because  
24 that is relevant to the Supplemental EIS, sort of. I mentioned  
25 earlier that the Court said, analyze the effects of natural gas

1 because the leases have incentives connected with natural gas in  
2 them. Chukchi is thought to believe to contain a vast amount of  
3 natural gas. So natural gas analysis by the Agency in this  
4 draft Supplemental EIS occurred this way.

5 Our resource evaluation people came up with a reasonable  
6 scenario. The reasonable scenario has a couple of basic  
7 components to it. First, it's not going to happen for a long  
8 time. Gas is maintained in these wells because gas has -- the  
9 gas is the pressure that buoys the oil to the surface. Oil is  
10 more valuable than gas, so it's going to be somewhere between 15  
11 and 30 years before gas would be ready to go to market. And  
12 that's if they explored next year and they found a viable  
13 resource.

14 I would just point out, in Alaska's OCS, it's most likely,  
15 or it has been the case, that they would explore in the Chukchi  
16 and they would explore in the Beaufort. And like the rest of  
17 Alaska's OCS, they found no viable -- economically viable  
18 resources and they walk away. And all of these meetings and all  
19 this fear and all of this discussion would really be for  
20 nothing, in that case.

21 The natural gas then, in 15 to 30 years, if it went to  
22 market would be pipelined to shore, cross NPRA, connect to a  
23 pipeline. And we don't exactly whether it would be the AGIA  
24 version or some kind of natural gas pipeline that we think would  
25 travel in the same direction, at least initially, as TAPS. And

1 then what happens to it after that, we just don't know. These  
2 are things that are 10s, 10, 20, 30 years away.

3 So we've analyzed a reasonable scenario in this draft  
4 document. And, it's important to realize that natural gas  
5 doesn't need any more seismic activity than what was analyzed  
6 originally. Because it doesn't take any more seismic activity.  
7 None. It doesn't need any more exploratory drilling than what  
8 was analyzed and what they would conduct to find oil. None.

9 Doesn't come -- the effects don't come until they're ready  
10 to start building the infrastructure that it takes to move gas  
11 from a deposit to the market. Yes sir.

12 UNIDENTIFIED MALE: You mentioned that seismic activity  
13 out there. I know there's been some seismic activity. You've  
14 seen all that pressurized equipment out there, and they say it  
15 works pretty good. But have they checked the aftermath of what  
16 happens to the wildlife that is on the bottom of the ocean after  
17 they go through with the seismic?

18 MR. LOMAN: They do have a monitoring plan. They've got  
19 ongoing monitoring -- don't know if any of us has a list of our  
20 ongoing environmental studies. But they do do some monitoring  
21 to see what the impacts are. Stat oil this past summer  
22 conducted seismic activities in the Chukchi Sea. It was a  
23 successful seismic data gathering operation. And there was some  
24 monitoring activity that's associated with that. The -- every  
25 year the National Marine Fishery Service, with our assistance,

1 has an Open Water meeting where the science that is in place to  
2 monitor seismic activities and other activities is discussed.  
3 These meetings are open to the public. Harry has attended more  
4 than I have. And so have a lot of representatives from the  
5 North Slope Borough. And they're heavily involved in the peer  
6 review of that scientific monitoring and data gathering work.

7 And so the answer is yes. Some parties think that more  
8 should be done. Some parties think that enough is being done.  
9 So there's some debate that these ongoing involving that  
10 activity, but it does occur.

11 MS. AHSOAK: I'd like to say about the seismic -- the  
12 seismic (indiscernible). This is Heidi AHSOAK, A-H-S-O-A-K. I  
13 was working for Top of the World at the time, two years ago that  
14 they were doing testing. B -- employees from BP were staying  
15 next door to some of the Mammal Observers. Some of the Mammal  
16 Observers told the housekeepers that BP was trying to pay those  
17 people to count more than what they were counting. Do you guys  
18 have anybody regulating, you know -- do not how to say it.  
19 There were people paying other people to say there's more  
20 mammals out there than there actually are.

21 MR. LOMAN: Paying people to lie?

22 MS. AHSOAK: Paying people to lie.

23 MR. LOMAN: Paying people to not to tell the truth and --.

24 MS. AHSOAK: Correct.

25 MR. LOMAN: First I've heard that. Have you heard it

1 before? No.

2 MS. AHSOAK: And also --.

3 MR. LOMAN: But, yes, there's a written --.

4 MS. AHSOAK: And, also I don't work --.

5 MR. LOMAN: There are regulatory Agencies that are  
6 interested in -- keep my phone number handy because, at least as  
7 long as I work for the government, you know, I mean, you know  
8 how the law works. That's kind of hearsay and whatnot, but  
9 these things are best, always best, investigated right away.

10 MS. AHSOAK: Another suggestion is maybe -- keep the oil  
11 companies (indiscernible) at hotels than the people counting.  
12 That's one suggestion from me.

13 MR. LOMAN: Well--.

14 MS. AHSOAK: Another comment that I do have is, you know,  
15 if you guys could publicize these meetings more. Because I  
16 don't work -- I don't get emails from, you know, the North Slope  
17 Borough, saying there is a meeting. You know, I found out  
18 through Facebook.

19 MR. LOMAN: Facebook?

20 MS. AHSOAK: I found out through Facebook.

21 MR. LOMAN: You mean a friend's page?

22 MS. AHSOAK: No, I found out from -- people had  
23 publicized. People had got emails about it. And I found out  
24 about it and was letting everybody else know.

25 MR. LOMAN: But one of your Facebook friends?

1 MS. AHSOAK: Yes. But I shouldn't find out from Facebook.  
2 I should find out from the news. I should find out from KBRW.  
3 I should find out from the (indiscernible). I should not be  
4 finding out -- you know, people should be finding out from, you  
5 know, a valid --.

6 MR. LOMAN: We did use KBRW -- did use the Arctic Sounder,  
7 we did use some obviously --.

8 MS. AHSOAK: I mean, obviously, I mean not many people  
9 heard about it. Because I was telling people about it all week.  
10 I just found out -- what's today Friday, I found out Wednesday.

11 MR. LOMAN: There's a phenomenon here and it happens all  
12 the time, no matter what the subject is. And not just in the  
13 Arctic, everywhere that at every meeting that I've ever managed.  
14 That's always a complaint, and you can never do enough. People  
15 are at the meeting but didn't know about it. There's a conflict  
16 that's inherent there. We're going to do more. But we know,  
17 even no matter how much we do, it's still not going to be  
18 enough. I guess, you know, just in addition to collecting email  
19 addresses on sign-in sheets at these meetings, and then  
20 continually informing people of meetings in the future, which  
21 we're trying to do, incorporate that, keep sending the  
22 information until people say, I'm not interested anymore.

23 MS. AHSOAK: Yeah, I'd like to be on the email list.

24 MR. LOMAN: Yeah. If you give us your email address. And  
25 everyone who gives us their email address will get on our list

1 and be notified as soon as we make a decision. Which still, and  
2 I apologize for this because even though I'm a Manager in  
3 government, I still can't control all of it. I get very  
4 frustrated with how the government works too. It's never fast  
5 enough for me. The only difference between you and me is,  
6 government has to deal with me and my, you know, running around  
7 being a 200 pound pit-bull saying hurry up, get it out. But I  
8 understand that frustration. And we will do more. And I  
9 apologize because I know, ahead of time, that we'll never do  
10 enough.

11 MS. AHSOAK: And, also, if you could let the Captains --  
12 the Whaling Captains know. You know, get all of their phone  
13 numbers and, you know, all of their emails and let them all  
14 know. Because I know my husband didn't know.

15 MR. LOMAN: Yes.

16 MS. STEIN: My name is Dorcas Stein, S-T-E-I-N. I didn't  
17 even know what to sayut the only thing I can say is, when it  
18 comes to you people coming up here and talking about offshore  
19 and oil and gas development and stuff, that my heart begins to  
20 ache. You know, from the human side of it as an Inupiat people  
21 who subsist off the ocean and whale, with the walruses and  
22 eating seals and fish. And we're so dependent on the ice and  
23 trying to keep it clean, not broken up, not touched. It's  
24 almost like you're coming in our backyard, okay, to me. And it  
25 becomes very personal. Now my heart begins to hurt because of

1 the big possibilities and the great danger of what you're doing  
2 way out there where our livelihood just roams.

3 Do you know, I worked briefly for Alaska's Bowhead Whaling  
4 Commission when they first started to take the bowhead whales.  
5 And it was just amazing, the traffic of those whales right there  
6 where you're going to be. And I can almost cry just to think  
7 that they're going to be bumping across aliens, you know, on  
8 their turf. And, you know, we really respect the animals there.  
9 I want you to know that even my heart hurts to even think of  
10 something like this happening, which causes me to go to this one  
11 other area of getting away from fossil fuels and stuff.

12 I really wish the government would just spend a great  
13 amount to get some wind power, solar power and all this to heat  
14 our homes, you know, other than using oil and gas. I don't see  
15 any big efforts happening and I wish somebody would do so.

16 The other thing is, I don't know if you can talk about it,  
17 but I'm sort of curious on our brothers and sisters over in  
18 Point Hope and what came up from your meetings with them,  
19 because they're the ones that are really going to be touched the  
20 most, being right there at the Chukchi when, you know -- where  
21 it's right there with Chukchi and Beaufort. Thank you.

22 MR. LOMAN: I sure can talk about what happened in Point  
23 Hope, because I was there just the other day. And here's my  
24 short assessment.

25 The people continue to share the same fears that you have

1 about activities that may take place. The Native Village of  
2 Point Hope was a litigant in the case that is the impetus for  
3 this draft Supplemental Environmental Impact Statement. And I  
4 guess you could take the position that they sued along with  
5 others. The Court found at least some of their assertions to be  
6 correct. And so they made the Federal Agency, my Agency, behave  
7 according to the Court's directions. So I guess maybe you might  
8 want to congratulate those folks in Point Hope. I did, because  
9 I work for a government Agency, it's not my job to get ornery  
10 because people sue us. It's my job to do -- to obey the Federal  
11 environmental laws appropriately.

12 And so they share concerns related to uncontrolled  
13 releases of oil, like the Deepwater Horizon. They share the  
14 same concerns about the industry's ability to clean up oil in  
15 the event of a spill, manage ice, the horrendous weather  
16 conditions of the Arctic. That was discussed. Some folks that  
17 had received and read the document and talked about it -- it was  
18 evident to me that they understood the document pretty well.  
19 Jack Schaefer -- I think people know Jack. Jack had read it and  
20 he understood the exercise of analyzing the statements of  
21 missing information. He expressed concern about the fact that  
22 it was limited to just those activities that the Court had  
23 mentioned in their remand.

24 And then we talked about other things that kind of related  
25 to what we talked about -- that I mentioned earlier with respect

1 to the reorganization of our Agency. And the creation of a new  
2 Agency that will be respected by the public. There were 20  
3 people in attendance at Point Hope. And there were other things  
4 happening simultaneous to the meeting. For example, it was  
5 Election Day. I voted in Point Hope. In the Community Center  
6 they were taking in big thousand pound pieces of oil for a  
7 ceremony that was starting at 8:00 that night, so people  
8 sacrificed not being able to participate in the beginning of  
9 that ceremony to talk with us. It was fair, frank,  
10 understandable, open communication and valuable, I think, for  
11 both sides, for the government officials, us, me, and for them  
12 to some extent.

13 But, you know, you mentioned, how you feel when you said  
14 you people come. I understand that. I come from an Indian  
15 reservation in the Upper Peninsula of Michigan. And I realize  
16 what it's like to have your community invaded by, in my case,  
17 mining activity and other activities that have a horrendous  
18 effect on the environment. But, like I mentioned earlier, my  
19 job is to serve you -- serve the Administration, no matter what  
20 administration it is, and try to obey Federal environmental law.  
21 To be honest about informing the decision maker, no matter what.  
22 I think I've done that job and I'll continue to do it until I  
23 step down, which won't be that much longer, and retire and go  
24 back to the Reservation where I came from, after 35 years of  
25 Federal service and 20 years of military service. And I'm just

1 as proud to serve you in this capacity, as I was when I had a  
2 gun in my hand and served you in combat with the military.

3 UNIDENTIFIED FEMALE: Thank you.

4 MR. BROWER: (Indiscernible) And if there are no other  
5 questions coming from the audience. I was going to sit here and  
6 read a statement about the Environmental Statement  
7 (indiscernible).

8 MR. LOMAN: I'm going to get coffee, but I will listen.

9 MR. BROWER: First of all, my name is Harry Brower, Jr.  
10 I'm Chairman of the Alaska Eskimo Whaling Commission. It's my  
11 privilege to give -- provide -- to comment on this Supplemental  
12 Environmental Impact Statement during this public hearing  
13 tonight. I'm not sure, if this mic is on? How's that  
14 (indiscernible).

15 Anyway, again my name is Harry Brower, Jr., Chairman of  
16 the Alaska Eskimo Whaling Commission. I've lived here in Barrow  
17 all my life, a hunter, registered Whaling Captain to the Alaska  
18 Eskimo Whaling Commission -- Barrow Whaling Captains  
19 Association. Anyway, this evening I'd like to read some of  
20 these comments. They are not generated on my own. I've worked  
21 with my staff and others and our legal counsel in generating  
22 these comments.

23 This Lease Sale 193 Supplemental Environmental Impact  
24 Statement is typical of what we see in the Alaska Region in  
25 every environmental review. Green light to the industry, don't

1 worry about subsistence. The decisions have already been made.  
2 This is just an exercise.

3 You talk about all of the industrial activities that are  
4 coming and all of the impacts that are going to be happening -  
5 to happen out in the ocean in the migratory paths of resources  
6 that we depend on. on onshore and in our communities. And then  
7 you say that there is no need for concern because of impacts --  
8 will be mitigated. But you never say how they will be  
9 mitigated. In the alternative, you say that none of the impacts  
10 will be significant. But you never say why the impacts won't be  
11 significant. I guess because the impacts won't happen to you.  
12 They'll happen to us.

13 The reasons behind this Supplemental Environmental Impact  
14 Statement is the Court telling the Department of Interior that  
15 you left out a lot of important scientific information when you  
16 did the first EIS. So you were supposed to go back and identify  
17 that important information and decide how to use it before you  
18 reach your final conclusions on the EIS. But you don't actually  
19 consider any new information in this Supplemental EIS. You just  
20 say that you have already considered all of the important  
21 information and that anything else is not important.

22 Basically, you conclude, that you don't need to worry  
23 about what the Court told you to do. You are trying to just  
24 cover it all over the words. You say there is no important --  
25 no information for how most -- all of our subsistence species

1 use the lease sale area. But then you say that information is  
2 not important. No need to worry.

3 You try to get around the Court Order by saying that there  
4 will be -- that adverse impacts no matter what the development  
5 scenario is and no matter what the scientific information is.  
6 But that doesn't work.

7 Federal regulations require you to prepare an  
8 Environmental Impact Statement that is supported by evidence  
9 that you have made the necessary environmental analysis. And  
10 there's a quote in here in regard to this 40 CFR 1500.2. This  
11 document does not meet the requirement. You are supposed to  
12 provide full and fair discussions of significant environmental  
13 impacts. And inform decision makers and the public of the  
14 reasonable alternatives, which would avoid or minimize adverse  
15 impacts or enhance the quality of the human environment. Again,  
16 40 CFR 1502.1. This document does not meet the requirement  
17 either.

18 There are going to be lots of adverse impacts from the  
19 proposed development. You give long lists of impacts, but you  
20 conclude that there is no need to worry. What do you base your  
21 conclusions on? Where is your analysis? There isn't any. Just  
22 like always, from your shop.

23 In terms of what your alternatives, given the many  
24 unknowns and the heavy reliance of our villages on marine  
25 mammals resources, it would make sense to go with alternative

1 three. This would give us a greater buffer between the  
2 industrial operations and our hunting areas. This makes a lot  
3 more sense than the proposed action, because you have no idea of  
4 what all of the impacts are going to be, since you don't even  
5 know how the resources use the habitat. On top of that, you  
6 have no clear means of mitigating the impacts that do occur.

7 So it makes sense to put as much distance as possible  
8 between the industrial activities and our hunting areas. You  
9 need to provide a good justification for not to do that.

10 You don't tell anyone how you are going to gather the  
11 baseline data you need and you ignore the data that you have.  
12 Federal law requires you to use the best available information.  
13 In July NMFS put out a new biological opinion for oil and gas  
14 activities in the Beaufort and Chukchi Seas. You don't even  
15 make a reference to that. In July you published the final  
16 report for satellite tracking on the Western Arctic bowhead  
17 whales for 2005 through 2009. The study shows that the whales  
18 all migrating through the lease sale area. This tagging study  
19 is funded by the Alaska Region published on your website, and  
20 you don't even mention it.

21 You also have the report of the 2010 Tagging Study also  
22 funded by the Regional Office and you don't even mention that.  
23 The Chukchi Sea development will disrupt our marine mammal  
24 species and their prey species. And you talk about onshore  
25 infrastructure disrupting the rest of the hunting opportunities

1 for those villages. But then you say, the impacts don't, won't  
2 matter. You talk about a gas pipeline coming onshore, probably  
3 at Wainwright. This will require high resolution seismic plus  
4 site clearance, plus dredging and other trenching right through  
5 the migratory areas. But you say there's no need to worry about  
6 the impacts to the whales. What is your basis for saying that?  
7 Where is your analysis?

8 You say that our villages might have to go without whales  
9 and other subsistence resources. But then you conclude that the  
10 impact to our people will not be significant. You continue your  
11 practice of deciding that we can go without important food  
12 resources for up to two years without suffering any significant  
13 impacts.

14 Our bowhead whale villages have a documented need for 61  
15 landed bowhead whales per year. That is food we need to  
16 survive. One season without whales is very significant for us.  
17 Yet, you say we can go up to two years, four seasons, without  
18 this resource. You can go for two years without your major food  
19 resources? At one point, in this document, you speculate that  
20 we might be able to start buying western food to replace our  
21 subsistence food. I'm not even going to talk about the social  
22 and health impact that would go along with that. My question  
23 is, where is the money going to come from? How does the family  
24 in Wainwright afford \$5 for a gallon of milk, \$15 for a pound of  
25 beef? How do parents in Wainwright feed their children if they

1 can't get their subsistence resources?

2 Shell likes to come to our villages and tell everyone  
3 about the jobs that are going to be accompanying all of this  
4 development. Jobs for whom? Jobs for people whose main skill  
5 is as a subsistence hunter? I don't think so. I think the jobs  
6 they are talking about are going to go to union workers in the  
7 Lower 48. That is what I see happening already.

8 When the development drives our subsistence resources away  
9 and the jobs that pay enough for people to live on are all taken  
10 by shift workers from the Lower 48, how do we survive? Where is  
11 your analysis of that? What is your mitigation for that?

12 You are supposed to provide a cumulative effects analysis.  
13 Instead you just conclude, without any support, that oil and gas  
14 can be developed in the Chukchi Sea without any cumulative  
15 impacts to the whales and other animals. But in your cumulative  
16 impact discussions, you don't even mention the development work  
17 in the Beaufort Sea, ship traffic, all of the research work  
18 going on, or fishing in the Bering Sea. All of these things are  
19 already affecting our migratory species. And they need to be  
20 part of your cumulative effects analysis.

21 You say that there is no need to worry about impacts,  
22 because they will be mitigated by National Marine Fishery  
23 Service or by another Agency. But you don't say how that will  
24 work. I pulled out a couple of quotes. "While the complexity  
25 of how marine mammal species react to underwater and above water

1 sound renders an exact determination of potential adverse  
2 impacts difficult, abundant regulatory review and careful design  
3 of mitigation measures are expected to preclude instances of  
4 level A or harm take of a marine mammal and to reduce the  
5 potential for level B or harassment take." Really? How is that  
6 going to happen? We don't know because you don't say how.

7 Another quote is -- "No population-level impacts are  
8 anticipated as a result from natural gas development and/or  
9 production." Again, all I can say, really? There is nothing in  
10 this document that tells me how you reach that conclusion.

11 My family depends on these animals for food. How am I  
12 supposed to sleep at night knowing that you are going to get  
13 ready to permit all these activities without any actual  
14 mitigation in place and without any actual understanding of what  
15 potential consequences of your actions? Would you be able to  
16 sleep at night if it was your family's food supply that we were  
17 talking about?

18 You also say impacts will be mitigated by conflict  
19 avoidance mechanisms. But Shell and Conoco are not signing the  
20 CAA and you are providing no support to help us get them to  
21 sign. Instead, they are using their so-called Plan of  
22 Cooperation. But those POCs are nothing but a slide show and a  
23 bunch of sign-up sheets. That is not mitigation.

24 Federal law requires you to provide an Environmental  
25 Justice Analysis. In this part of the document you say that we

1 will suffer a lot of health impacts, including loss of food,  
2 degraded air and water quality, stress and increases in negative  
3 social impacts. But then you say that there are no  
4 environmental justice problems because you have decided that  
5 none of these impacts are important. That is not an  
6 Environmental Justice Analysis. That's just you telling the  
7 decision makers in our Federal government that we don't matter.

8 I think the main take-home message from your Supplemental  
9 EIS is that it doesn't matter to your Office what the impacts  
10 are to our subsistence resources or to our families or our  
11 communities. You have already decided to give the companies a  
12 green light. To you that's all that matters.

13 These are comments that were generated through the Alaska  
14 Eskimo Whaling staff and working through the reading of the  
15 document and learning of what went on, needs to occur. These  
16 are very serious matters to us. I hope you learn and take these  
17 comments seriously. Thank you.

18 Jeff I'm going to give this to you.

19 MR. LOMAN: Thank you. Do we have another commenter?

20 UNIDENTIFIED FEMALE: Sir, I have one more please.

21 MR. LOMAN: Yes ma'am.

22 UNIDENTIFIED FEMALE: Maybe I'm loud enough.

23 MR. LOMAN: I hear you loud and clear. Judy do you hear?

24 UNIDENTIFIED FEMALE: Thank you.

25 MR. LOMAN: Thank you.

1 UNIDENTIFIED FEMALE: In light of what our Chairman of the  
2 Alaska Eskimo Whaling Commission said that maybe it doesn't  
3 matter because the government has already started and said we're  
4 going to do it, you know. And I thought of saying it earlier  
5 but I didn't because I didn't want to say it. I remember saying  
6 it, how many years ago, at a meeting. But when it comes to the  
7 Inupiat people up here, I think that the government needs to  
8 have more respect and listen to them. I mean, you've said you  
9 will be listening to us. But in the same manner, when you look  
10 at the big picture of what the imperialistic attitude of the U.  
11 S. Government has been in the past of taking, taking, taking in  
12 land and resources. Here this whole Arctic Ocean is wide open  
13 right now. And I hate to see our government have that kind of  
14 mentality as they did to the Lower 48 Indians, and you know  
15 about it. I think you are part Indian, you say. And, when it  
16 comes to our people up here, I hope the government has more  
17 sensitivity this time to our people. As few as we may be, just  
18 in the thousands, compared to millions in the Lower 48, that I  
19 think the moral point of it is respect for our culture, you  
20 know.

21 That, I know that the government has learned a lot the  
22 past many years, especially after the MMS was sued and they lost  
23 and lawsuits coming in and so forth, that they're taking better  
24 care. But I just don't want to see them coming in like a  
25 bulldozer, no matter what people say. They're still going to

1 cut down trees and you know, drill and so forth.

2 If you can just spend more time with our people, your  
3 Agency can spend more time with our people and build a  
4 partnership, you know, like I know some people say maybe we  
5 can't do without it -- it's got to happen. But if it's going to  
6 happen, then extend your hand more to our people and say, okay,  
7 what can we do? Can we work together, you know, more and  
8 communicate better with us? Maybe there needs to be a Regional  
9 or an offshore -- this offshore drilling and exploration. But,  
10 so far it's very scattered. Our lands are vast, you know, and  
11 it's scattered. But, we just want you to respect us a little  
12 more. Thank you.

13 MR. LOMAN: Thank you. We are trying to extend our  
14 actions to form partnerships. For example, I think probably  
15 everybody knows Mayor Itta developed eight Ocean Claims  
16 Initiatives. And I sure don't mean to speak for the Mayor, but  
17 I have read and heard Mayor Itta speak on a number of occasions.  
18 And, essentially, his position is, is that although we are  
19 against offshore development, if it's inevitable, we think that  
20 the government should do these eight things, Eight Ocean Claims  
21 Initiatives. So, we drafted a informal Partnership Agreement  
22 and we're working, or going to be working with the Borough to  
23 try to enter into that Agreement and it's an Agreement just to  
24 basically set some, you know, guidelines, some actions on how we  
25 are going to communicate to try to address these Eight

1 Initiatives. We talked about it today. Ben and I talked about  
2 it and others at a meeting today. Harry was there. The  
3 progress is pretty slow. I wish I could wave a magic wand and  
4 address some of these communication problems. And respect comes  
5 from, at least for me, and I don't think I'm too much different.  
6 You get respect when you deserve it, you know, through your  
7 actions, through what you say and then, you know, how it turns  
8 out in the end.

9 Harry, for example, got up and said that we failed  
10 miserably to address the Court remand. We're going to see about  
11 that because the Judge is going to decide. Now you heard what  
12 Harry said. So it should be pretty simple. If Harry's right,  
13 that Judge will kick us to the curb. I'm using terms that I  
14 think everybody can understand that aren't legal terms, because  
15 I'm not a lawyer. But we'll see, you know, we'll see.

16 I said earlier that, at least the draft Supplemental  
17 Environmental Impact Statement, we think is a good step forward  
18 at addressing the remand, although we've got comments to  
19 address. And there have been some suggestions that I think will  
20 add to the document. And then we go before this Judge and he  
21 makes a decision.

22 So you gain respect by that proof that's in the pudding.  
23 And it comes slow, and it takes patience. I know Inupiat people  
24 learn patience through the subsistence activities that are  
25 culturally self-defining. We had that conversation in all of

1 the villages. What does subsistence activities do besides put  
2 food to the people? It teaches you how to be patient. It  
3 teaches you how to deal with loneliness, sadness, and on and on  
4 and on. Those are really important things to people on a very  
5 personal and individual basis. And I understand that, and  
6 appreciate it. Part of my job is to make people who can't  
7 easily understand those things, understand them.

8 UNIDENTIFIED FEMALE: Who chose this time and location  
9 advertised for this meeting? I heard about it in Facebook  
10 through one person. I didn't see flyers up. I didn't see  
11 anything. While the oil companies tried to butter up our  
12 community through pancakes and door prizes, but when it comes to  
13 the actual impact, the environmental impact on land, where's the  
14 flyer? Why is there no advertisement like I had -- there's --  
15 if people knew about it, more people would be here. This is not  
16 a reflection of how the town feels, with the dozen people that  
17 are here. If more people knew about it, they would be here.  
18 Only one person at Kotzebue showed up, I heard. In fact -- I  
19 mean -- talk about lack of respect and you want to know -- for  
20 me it looks like the bank taking your house, and then three  
21 weeks later they're going, well, how do you feel about that?  
22 You guys already did it so --.

23 MR. LOMAN: Yeah, the announcement for the meeting was  
24 announced on KBRW, for example. It was put in the Arctic  
25 Sounder, and other media. We notified organizations, agencies,

1 stakeholders. And we maintain an email list like -- that's why  
2 we ask for emails when people sign in, and notify people that  
3 way. There is another person that learned about it through  
4 Facebook. I guess through your Facebook friends, who told you  
5 about it as well. The Secretary of Interior has a Facebook  
6 page. Maybe we should put it on there too. If you like him,  
7 then you can get his notices.

8 But, I said this earlier, and I'll just say it again.  
9 We'll keep doing more. But trust me, if you're at these  
10 meetings with me we'll never do enough to satisfy everybody in  
11 that regard. But we will do more.

12 MS. LEAVITT: I kind of got a question about -- the  
13 history of Prudhoe Bay has done real well on land. Why is it  
14 that we can't do more on-land stuff? And why is it that your --  
15 not you -- I know you're in a position, but why is that people  
16 cannot hear that it's a whole lot safer to do this exploration  
17 on the land compared to in the ocean? In the wintertime,  
18 cleaning up a spill during the winter time it still can be done.  
19 But there is no proof -- what proof do you have that will  
20 satisfy our hearts, saying that our food will not be destroyed?

21 There's been studies out there that say that our Native  
22 food is considerably more healthier than the store bought foods  
23 because of their preservatives that are added into the food,  
24 the sugars that are added, the diabetic part of it? You know,  
25 long ago we didn't have diabetes because of those carbohydrates

1 and high blood pressure, with the food that we harvested from  
2 the land. And here it's been proven that you have drilling on  
3 land that is manageable.

4 I know there's people out there from the Lower 48 say that  
5 we've got all this oil underground. That we're only a speck on  
6 the map. And, you know, we voice and voice -- even I was here  
7 in the 70s, and we had over 100 people here compared to what's  
8 here now. And we didn't have the media the way we have -- the  
9 way we have now. We had no internet back then. We had no  
10 Facebook back then. We had barely KBRW. The North Slope  
11 Borough didn't have all those internet capabilities, but the  
12 word still got out.

13 I know that's a sore subject. But still, I can remember  
14 when we did have over 100 people here testifying. And they had  
15 to close it down because they got tired of repetitious things.  
16 Now it's our turn to be repetitious, and still say the same  
17 things, and still say the same things, and yet our voices are  
18 still lowered. I feel that they're lowered. Because it's still  
19 going to happen.

20 People are saying that there is less oil in Prudhoe Bay,  
21 so they got to look elsewhere, and they're going into a place  
22 where I eat from. And you're not going into the store to get  
23 oil. You're going into my refrigerator, my garden where I eat.  
24 Where my muktuk -- we had no muktuk -- what are you going to do?  
25 You know that warms our bodies in the cold, that -- the blubber.

1 The seal, that means a lot, with that we had with the caribou.  
2 There's so many things that we get from the ocean that  
3 supplement our food.

4 And I have to agree with what Harry said about it not  
5 addressing of any of those things in this. Plus, with Harry  
6 saying that who's going to get the jobs. I totally agree with  
7 what he said. We're not qualified as MMO. You have to go to a  
8 certain kind of college and get a degree to get even put into  
9 those positions. You have to know certain things. We're not  
10 going to be the ones getting the jobs. Yeah, you may have 900  
11 jobs on the line, but it's not going to be us. We're not that  
12 qualified because we're subsistence hunters. Plus. where's the  
13 subsistence mitigation?

14 You know you got to re-look at what it says about it going  
15 to commercial people. We're not commercial. We're subsistence.  
16 So I just want to voice that. And I'm Roberta by the way --  
17 Roberta Leavitt, L-E-A-V-I-T-T. Thank you.

18 MR. LOMAN: Thanks.

19 MS. DE SOUSSA: I'm Leandra De Sossa, D-E S-O-S-S-A.  
20 Just wanted to mention very little actually.

21 UNDEFINED MALE: Could we have a microphone. We can't  
22 hear you.

23 MS. DE SOUSSA: Oh, sorry. I didn't have as much time to  
24 read the whole document, but the Mayor of the Council of  
25 (indiscernible) mentioned that there were no -- that there was a

1 revision of the -- additionally it required by the courts, but  
2 there were no impacts. And that's repeated over and over again  
3 as Harry mentioned it. There is no transparency on how they got  
4 to those conclusions. And I'm not sure what this is on the  
5 legal matter -- how transparent those needs have to be.

6 But, there should be the data there saying, well, this is  
7 what we have (indiscernible) these are how many cases and this  
8 is what we are basing our conclusions on. And, that information  
9 doesn't seem to be there, so if that information would be  
10 included it is a (indiscernible). That should be in the  
11 document to explain officially to the community and to the other  
12 people who what -- what this will be mainly based on.

13 It's not transparent. It makes it very difficult because  
14 we have to believe to have faith on what you're hearing. And I  
15 can see that being a problem. Do you see what I mean?

16 MR. LOMAN: Yeah, like I said earlier, I know that people  
17 would like to debate with me, but I'm not here to debate you.  
18 With respect to --.

19 MS. DE SOUSSA: I'm not debating -- I'm just --.

20 MR. LOMAN: With respect to the issue that you brought up,  
21 let me give you an example. In that document it says one of  
22 these excerpts of missing information or uncertainty. There's a  
23 statement in the original final EIS for Chukchi Sea Sale and it  
24 says this. I can almost quote it verbatim, pretty close, close  
25 enough. There is uncertainty concerning the structure of the

1 bowhead whale population, uncertainty about the structure of the  
2 bowhead whale population. At that time, the time that statement  
3 was made somewhere between 2004 and 2007, the Scientific  
4 Committee for the International Whaling Commission was debating  
5 whether or not there were multiple stocks of bowhead, Bering  
6 stock, the Chukchi stock, the Beaufort stock, the Chukchi stock,  
7 the Bering stock or other stocks. They since concluded, I think  
8 in 2007, they concluded that there's one stock. Okay, that's  
9 good, that's fine.

10 But from a decision maker point of view, an analysis of  
11 the impacts we can almost talk about this in layman's terms.  
12 What difference would that make to the bowhead whaler whose been  
13 taking whales for thousands of years, whether it was a whale  
14 that came from a -- and was a Beaufort stock or Bering stock?  
15 The answer is none. It makes no difference. That's the most  
16 important thing with respect to making decisions to offshore oil  
17 and gas activities. If it means nothing to the people that  
18 subsist from whaling, then what would it mean to the decision  
19 maker to regulate, for example, an exploratory drilling project?  
20 Again, none, it's meaningless. That's an example.

21 MS. DE SOUSSA: So, what's your point?

22 MR. LOMAN: I guess you can't follow it. The document  
23 said, made a statement in the document. There is uncertainty  
24 with respect to the population structure of the bowhead whale.  
25 And the Judge said, oh well, there and 40 other pages of -- 40

1 pages of statements like that, you have to address that. What  
2 does it mean? What's the context of it, et cetera? I'm not  
3 going to start a debate about that particular issue. I see  
4 hands going up and I don't want to debate the science.

5 MS. DE SOUSSA: That's not what I -- I just said that it  
6 was not clear. And there are other Sections -- there's vast  
7 information on bowhead whales, thank goodness. But there are  
8 even some Sections about fish and the geography of their -- and  
9 they're very limited -- they're very similar. And there is no -  
10 - there's very little agreement from the scientific community  
11 about how currents interact and how animals go through their  
12 life cycle. And all of that is very debated for many years and  
13 people try to, you know, (indiscernible) theories or those  
14 processes. So how can just one environmental, this Supplement,  
15 say that, well, this is all understood and there will be no  
16 impact when even the process, itself, is not very well  
17 understood. And it's not even explained or debated how it's  
18 shown in the document. That's all I meant. But thank you.

19 MR. LOMAN: Okay, thank you. And I really -- I'm sorry I  
20 probably shouldn't be upset, because I'll just get into a debate  
21 and I'm not going to do it.

22 MS. WILLIAMS: This is Vera Williams again, for the  
23 record. You mentioned earlier about when I talked about a  
24 partnership -- a draft partnership (indiscernible) driving the  
25 North Slope Borough. Will you be including a Federally

1 recognized Tribe from the North Slope, with ICAS and the Native  
2 Village of Barrow and all the other Tribes within the North  
3 Slope area, would this partnership -- will to be formulated?

4 MR. LOMAN: I'd like to think that we already have through  
5 the mandate Executive Order 13175 that requires government to  
6 government consultation. As you know, better than anybody else,  
7 we had a meeting today. So that requires us to communicate.  
8 But we'd like to do more so the answer is, yes. If we need to  
9 include others in that agreement, or have separate agreements  
10 with Federally recognized Tribes that want to establish a  
11 partnership to address things and it's productive, the Federal  
12 government likes to use the terms effective and efficient. If  
13 it effective and efficient, we certainly are going to do that,  
14 and partner with effective Federally recognized Tribes.

15 UNIDENTIFIED MALE: Could you tell me what kind of impact  
16 has it had on the wildlife in Valdez ever since the oil spill?

17 MR. LOMAN: On the Exxon Valdez?

18 UNIDENTIFIED MALE: Yes, what impact has it had on the  
19 wildlife?

20 MR. LOMAN: I really -- I'm not qualified to discuss it.  
21 It's not relevant to this meeting other than that was an oil  
22 spill.

23 UNIDENTIFIED MALE: It certainly was an oil spill. It's  
24 relevant.

25 MR. LOMAN: Yeah, and you know I would just mention that

1 the Exxon Valdez didn't have to happen. It was one person who,  
2 for whatever reason, didn't make a turn.

3 UNIDENTIFIED MALE: I want to know what kind of impact did  
4 it have on the wildlife down there after the oil spill?

5 UNIDENTIFIED FEMALE: Is Shell going to have, make sure  
6 everybody get (indiscernible) on the see, tonight.

7 MR. LOMAN: There's an abundant amount of information  
8 that's been collected through the Natural Resource Damage  
9 Assessment activities that all of the Trustee Agencies have  
10 collected on that spill and the damages that have occurred and  
11 are ongoing. And, if you leave your email address or contact  
12 information, will help the people that are responsible for  
13 serving you along those lines, give you that information.

14 PATRICK SUVLU: I've got one. My name is Patrick Suvlu,  
15 that's S-U-V-L-U. On the purchase of Alaska, how many acres did  
16 the United States buy from the Russians for purchase of Alaska?

17 MR. LOMAN: Yeah -- it's not --.

18 MR. SUVLU: And have they done any survey of natural  
19 acreage of what they bought for -- is the United States  
20 trespassing -- what if they didn't pay for? Are we included in  
21 that acreage when they bought?

22 MR. LOMAN: I have no comment about that subject sir.

23 MR. SUVLU: Maybe that's what they need to find out.

24 MR. LOMAN: Yes sir.

25 MR. SUVLU: If the United States own the North Slope.

1 MR. LOMAN: Yes sir.

2 UNIDENTIFIED FEMALE: Yeah, that's a good one.

3 MR. LOMAN: Yes sir in the back. Yes sir?

4 MR. BROWER: You know, my name is Charlie Brower, for the  
5 record. I'm kind of all -- through the magnitude of the  
6 materials, you don't have available for maps and stuff where  
7 that's (indiscernible) on. Your product of presentations to  
8 elaborate on the subject. But the matter is, you're on --  
9 waters that are in the jurisdiction that are not within the  
10 State boundary. And the only people that you would have to deal  
11 with on that is with the Inupiat community of the Arctic Slope.  
12 Your Act in Congress did not pronounce lying into this kind of  
13 Tribe for nothing. So you've got to learn to deal and accept  
14 the fact that these people are Inupiat people and they're not  
15 Indians and you're not -- can treat them like Indians or copycat  
16 or imitate the treatment of Indians to us Inupiat.

17 When the Federal (indiscernible) collects taxes, they  
18 collect that but then they have to use it for a purpose. You  
19 got to get into the Federally recognized Tribes jurisdiction.  
20 Our ancestral grounds from 12,000 years back, plus, you'll have  
21 to learn to pay the 28, 27 percent Federal government fee to the  
22 Inupiat people.

23 The Russians sold something that they thought it was here  
24 when their (indiscernible) depleted they sold -- they sold for  
25 quick cash revenue. The only thing they sold was the

1 jurisdiction domain where the (indiscernible) are.

2 And they never been north of St. Michaels at the time of  
3 the sale. So let's get real. Don't play games with us. This  
4 is a real life thing. Said there a while ago, you mentioned  
5 elaborating IWC about the populations of the bowhead whale. IWC  
6 came up here with the Scientific Committee in 1977 and said  
7 they're there was only 947 whales. That was the first time they  
8 ever been to the North Slope region.

9 On a hearsay basis, they got people to talk about it and  
10 then a bullshit Scientific Study Agreement, worthless to avoid  
11 where you're going (indiscernible) and then kick them out if  
12 necessary. Just to prove a point. You going to put out  
13 something to my people and my Tribe. You're not going to  
14 respect and honor what's given to them. Some of the stuff I  
15 look at here -- I want to see some results from the scientific  
16 exploration that were being conducted out there. You have a  
17 mediocre -- what kind of impact they did to the crustaceans from  
18 the surface of the water to the sea floor?

19 And you know where to fight. Would you like to go out  
20 there and swim and have to be blasted with 297 decibels of  
21 noise? When a 47 decibel at 17 mile range, disrupt the bowhead  
22 whale and cause him to pop up, straight up and down. Instead of  
23 like this. Forty-seven decibels is -- in the water it doesn't  
24 subside to 46 or 45 decibels at 200 yards. When you shooting  
25 290 plus decibels in the water. they don't subside down to 245

1 unless it's past out there to ten miles or so.

2           So let's get real. You want to destroy and damage  
3 everything that we stood for, based on our way of life and the  
4 way we use animals in the sea, that is our garden and resource  
5 for livelihood. Long before anyone even noticed there was a  
6 North American continent. Some of these Indian Tribes down in  
7 the Lower 48 where Asianic League or Indians at the time when  
8 they first crossed, 12,835 years ago. Now you call them  
9 American Indians. You forgot the government gave them the  
10 recognition and productive life to them. The fact is, you doing  
11 all these things to get into an area to do seismic exploration  
12 and after that, the informations you gather, okay. Maybe right  
13 there back where that chair is sitting is a good spot. We'll  
14 drill there. And a lot of people buy stocks from that company  
15 that's drilling.

16           Or let's say 20 or 30 separate families own 75 million  
17 shares and they get (indiscernible) and much richer over what  
18 they done. And they strike oil. We haven't Senators -- or you  
19 only have one with the United States but they trample on us,  
20 worse than cockroaches in some sense. A way of respecting a  
21 human, you're supposed to honor people for who they are and what  
22 they are. For what country you are -- we understand and know  
23 that. But what country of people we are, you got to learn to  
24 understand and deal with that. That -- face reality, instead of  
25 living in mental insanity 99503 (indiscernible).

1           Just how badly are you willing to go for, to the people  
2 that push you into these things, to conduct meetings? When  
3 you're doing Environmental Impact Statements, we donate a lot of  
4 information and stuff and have it printed. But it just gets  
5 stored in catalogue and never been used. Nobody uses it for  
6 testimony in Congress or one State, another don't even bother to  
7 look at it.

8           So people who are indigenous by themselves at the rate human  
9 in the culture. Disrupted, toyed with, and forced to change  
10 their ways of the way they're living 99 different ways. How  
11 many more ways are you going to expect us to (indiscernible) and  
12 deal with something that we don't want to see, for no  
13 (indiscernible). What's going to happen if that 75 reversing  
14 and then we start changing you people 99 different ways? Do you  
15 know the magnitude of (indiscernible) reality? That the bumpus  
16 (ph) is forcing you people to do, to erase Korean (ph) culture  
17 in the Arctic? Or is it that it's so many of the people that  
18 have migrated from the European side, they want more of this,  
19 they want more of that. And they don't care who they destroy  
20 and hurt just so they could get to that resource? Is it said  
21 that (indiscernible) got the United States government and  
22 (indiscernible) life into a Tribe? That's being blamed by the  
23 United States Department of Defense against the Indians?

24           At the same time there wasn't an Indian, you know, we  
25 existed up here at the time when they thought. Alaska. You got

1 to learn to face reality and understand them and learn to deal  
2 with and cope with -- how you treat things and make things for  
3 the way people have to live, the life they have to live. At  
4 such a magnitude of a change that they can't let -- alter it  
5 anymore. When it says, when is this going to become, I thought  
6 we heard reality.

7 I enjoy my life. I enjoy being a Inupiat person. I enjoy  
8 my Native language. I enjoy my culture, my music and dances and  
9 my Native food. You are -- you are do that -- you going destroy  
10 a lot of -- of who I am and what I am and how I live and what I  
11 used to live with. Do you have something out -- do you have  
12 some alternate replacement for that? Because you better learn  
13 to prepare on how to make the alternative preparations on, if  
14 you damage too much. And I, for one -- if women pick up their  
15 own arms and have to start doing things to you people just to  
16 make you understand who and where they come from, and they start  
17 telling you our men have died for this and died for that and  
18 they weren't even Americans. But they still -- you treat us  
19 worse than dogs in some sense. Let's get real.

20 When the United States government pronounces life into a  
21 Tribe it's not just a word that you can toy with and play with.  
22 And if you have to face that United States Congress to make them  
23 understand that, it's time to learn to understand whether you're  
24 truly under mental insanity from 9305 classroom practice. Thank  
25 you.

1 MR. LOMAN: Thank you sir. Do we -- have about 12 minutes  
2 for anybody else that would like to provide testimony before we  
3 close the meeting at 9:30. Rosemary did you have testimony?

4 MS. AKTUANGARUAK: Yes. BOEMRE needs to obtain additional  
5 baseline data to meaningfully analyzing environmental impacts of  
6 Lease Sale 193. An Agency cannot comply with NEPA when data on  
7 baseline conditions is so lacking, that it cannot adequately  
8 determine what the environmental impacts will be. As Alaska  
9 Natives and others have continually pointed out, there is a lack  
10 of baseline data related to subsistence impacts, marine mammal  
11 populations data, air quality, water quality, health impacts and  
12 climate change impacts. The Agency must obtain additional  
13 baseline data to properly analyze the environmental impacts of  
14 Lease Sale 193.

15 BOEMRE cannot simply presume that adverse impacts will  
16 occur under all circumstances for which information is missing.  
17 The Agency is avoiding its duty to obtain missing information by  
18 presuming the adverse impacts will occur for the circumstances  
19 from which information is missing. But the commonality and  
20 severity of the adverse impacts may vary between alternatives.  
21 So the missing information is needed to make an informed  
22 comparison of alternatives. For example, the Proposed Action  
23 and Alternative III provides significant different sized buffer  
24 zones. So the Agency must obtain missing information about the  
25 impacts of an oil spill or the location of bowhead whales in the

1 buffer zones, because it is essential to make an informed and  
2 reasoned choice between these alternatives. Furthermore, it is  
3 true that the impacts are all the same with all alternatives  
4 then the range of alternatives is inadequate.

5 BOEMRE must rely on updated scientific information on  
6 bowhead whales. An Agency may not rely on outdated scientific  
7 information when analyzing environmental impacts under NEPA.  
8 Here, updated information about bowhead whales is now available  
9 from three new sources. One, NMFS's July 2010 Biological  
10 Opinion for Oil and Gas Activities in the Beaufort and Chukchi  
11 Seas. Number two, MMS's final report for Satellite Tracking of  
12 the Western Arctic Bowhead Whales. And three, Quakenbush's 2010  
13 study of bowhead whale movement.

14 The Agency must conduct separate SEIS to analyze the  
15 impacts of the entire Lease Sale 193 on bowhead whales now that  
16 additional information is known about the species.

17 BOEMRE cannot rely on compliance with additional  
18 environmental laws or future NEPA analysis to avoid its duty to  
19 obtain missing information.

20 To make a reasoned decision between alternatives of this  
21 Lease Sale, the Agency must have sufficient information about  
22 the differences in environmental impacts of each alternative  
23 before it is irretrievably committed to resources -- commitment  
24 to resources. The Agency cannot substitute further compliance  
25 with the environmental laws or later NEPA analysis for its duty

1 to obtain the missing information to make a reasoned decision  
2 now.

3 BOEMRE must analyze the new information related to the  
4 Deepwater Horizon spill. Under NEPA, Agencies have an ongoing  
5 duty to supplement Environmental Impact Statements whenever new  
6 information renders the original Statement inadequate. The  
7 Deepwater Horizon spill has rendered inadequate the Agency's,  
8 one, oil spill analysis, two, conclusions that an exploratory  
9 drilling oil spill is unlikely and, three, the requirements for  
10 a oil spill response plan. Thus, the Agency must conduct a new  
11 oil spill analysis in a separate EIS. On behalf of the Inupiat  
12 Community Arctic Slope.

13 MR. LOMAN: Thank you Rosemary. Rosemary, could you let  
14 me have that written comment?

15 MS. AKTUANGARUAK: I can get it with the statement of the  
16 original county (ph) of ICAS and that's what they usually like  
17 it handled, so I'd have it ready.

18 MR. LOMAN: Okay sure. Thank you very much.

19 MS. AKTUANGARUAK: I'd like to give a statement now on  
20 behalf of myself.

21 MR. LOMAN: Okay.

22 MS. AKTUANGARUAK: We've commented for decades in these  
23 processes. We've brought out decades of concerns. Our  
24 grandparents started these processes. They worked with us in  
25 trying to build ways that we might (indiscernible) some these

1 impacts. We worked for many processes with the Agency before  
2 you changed your name, to try to build ways that might limit  
3 some of these actions. But the enforcement of any our efforts  
4 never (indiscernible) out. The impacts were left upon us.

5 I had to spend another day working with Tribal governments  
6 from Louisiana because they wanted to learn what they can do to  
7 help their area. We've gone through impacts to subsistence. As  
8 you say, we can survive that. Families can survive loss of  
9 subsistence what that would cost. The cost is tremendous when  
10 you build social impacts that -- that's generations, in their  
11 health, in their wellness, in their social ability to address  
12 these problems, in their willingness to continue to participate  
13 in these processes.

14 When grandparents had gone to their grave, and the  
15 concerns that we have promoted for generations have never been  
16 enforced -- have never been built into the process to give us  
17 the hopes that our traditional and cultural (indiscernible) in  
18 areas that are going to be changed by oil and gas, will still be  
19 there. When you cause disruptions of multiple species to  
20 communities, you just dropped generations of families, working  
21 and living in these areas. When you don't have the species to  
22 teach your children how to cut up these items, it's difficult to  
23 do so when you have to use only pictures. It's very difficult  
24 to tell the stories of our land usage when the changes to the  
25 areas that are being discussed or changed, and the animals don't

1 use them the same ways. So our families don't hunt in these  
2 same areas the way the stories were told for generations,  
3 disrupts the learning curve for the future generations.

4 It affects our lives. It affects our whole beings. And  
5 we continue to share these things. But we have cultures that  
6 were never recognized in the Gulf area. Tribes that were never  
7 recognized, and yet their livelihoods have changed forever.  
8 Watching those people down there pulling out boats in the  
9 opening of fishing season because they knew there was not going  
10 to be something to harvest. Having the Tribal members say that  
11 the government has said their food is safe, when they take the  
12 shrimp from the water and they break the head off and there's  
13 oil inside of it. And they can wipe it on a tissue to show.  
14 And yet our government is saying that food is safe.

15 They did the same thing in our State with the previous  
16 spill. The learning curve was not there. And you talked  
17 earlier about how the Exxon Valdez created that law. But you  
18 forgot there were two other devastations that occurred with  
19 that. With the (indiscernible) event in India with their  
20 chemical spill, there were three devastating events. Before, we  
21 learned from that process. We didn't learn from Exxon. We'd  
22 better learn from the Deepwater Horizon.

23 And don't get out here and try again because, just in a  
24 short period of time, we had the GS2 spill and you said to us --  
25 not one drop would be spilled in Exxon. And yet, 200,000

1 gallons still was spilled. And then at Prudhoe Bay, with alarms  
2 going off for four days that were ignored.

3 That's not reassuring to us that anything you have put in  
4 your documents has any cretisian (ph) of being implemented.  
5 Then we had the fire in our own refinery in Fairbanks. And you  
6 had still the explosion in Texas and still the Deep Horizon.

7 There is many changes that must occur. You still have  
8 many of these same people authorizing documents in these  
9 processes that were authorizing these same processes that led to  
10 the devastations that happened to those loss of lives. We still  
11 have many, many problems. You don't have the personnel to  
12 enforce existing regulations. And you have exemptions to air  
13 and water quality standards in our States still occurring as  
14 part of the continued comments of health impacts affecting the  
15 breathing of people. Twenty babies being Medi-vac'd out, ten of  
16 them put on ventilators was not enough. A cost for our Village  
17 but yet we endured that cost. We still have a better job there.

18 That's not acceptable to take and promote development at  
19 the cost of tradition and culture and the health of our people.  
20 These are not acceptable. They won't be tolerated. We have  
21 many more cultures that are going through the devastation and  
22 are asking for our help in Alaska because we have learned some  
23 things. And they have so much more to learn in their process.

24 Having to tell people how to try and heal their  
25 communities because they're going through loss that they were

1 told would never happen. And yet, every day of their  
2 traditional and cultural lives or not to be seen for decades to  
3 come and generations to become. In these spill plans, they say  
4 in (indiscernible) burnings. But, yet when they burned in our  
5 State they didn't even inform the nearest community. And all of  
6 the people got sick. And you put regulations to limit some of  
7 these things out there, but it's different in our environment.

8         These emissions in these air, in our environment, in our  
9 times, when we're breathing them, with our cold environment, the  
10 impacts are much more damaging to us. When you study this  
11 impacts at 70 degrees, we don't have any days at 70 degrees.  
12 You need to study it at our impacts, at our temperatures, at our  
13 currents. They studied air quality currents with a goal. But,  
14 yet still, the concerns from the communities down there were  
15 still expressing. There's real concern here, the odor is really  
16 strong, people are getting sick. And yet, the effort of our  
17 government to monitor this process was not adequate to get the  
18 notification in the documentation to prevent the worst  
19 exposures.

20         Where's the respite for their pregnant women and children?  
21 They're continually being exposed to the generations of growth  
22 that is being affected. How can we help them in this process  
23 because they have continued exposures? Using the dispersants to  
24 put peoples into a toxic chemical spill at the benefit of  
25 industry, reduce the way that those communities could observe

1 and try to build protections, to put the booms out in areas.  
2 Because when you mix the oil into the water column, you can't  
3 see it coming in with the tide. And the waves come in it's  
4 below a few feet of levels and the oil is still coming ashore.  
5 There's no protection. There was no enforcement to maintaining  
6 boom that was laid out. There was no real good way of looking  
7 at how the boom was being placed.

8       You could tell that some areas had good support to get  
9 boom placed. Other areas had absolutely no support to get any  
10 boom placed. But there wasn't even maintaining up there. Boom  
11 that was placed was just free flowing. You're not doing any  
12 protection. That important critical habitats site for the  
13 pelicans, there was boom out there, but the same issue, no  
14 maintain, no protections. The adequacy of that boom placing was  
15 non-existent. Those pelicans still got impacted with the oil  
16 from that.

17       We watched the dolphins come up through the sheen, the  
18 birds diving into the oily water, fish jumping out gasping for  
19 air. We can't watch that happen down there and take these  
20 discussions up here. That's so devastating for us to be damaged  
21 from the efforts from the Exxon Valdez to have it re -- happen  
22 with it and there's more information with the Korean spill.  
23 They studied health impacts from day one. Where's our studies  
24 from all these different things? We don't have that data.  
25 Nothing was done to help us get some of these health impacts.

1           If anything, it helped to hide what the health effects  
2 were from that spill. All those workers that went out there to  
3 respond. All those workers that got so sick from working the  
4 dispersants. They died so fast and are no longer here to  
5 comment, but their children are. The children watched their  
6 health deteriorate until they were no longer able to be active  
7 in their (indiscernible) lives. Those children grew up with  
8 that loss, not only of just their family, but of their  
9 traditions, their culture and the knowledge of what's normal.  
10 We can't let that happen here. There is too much at risk.

11           We're a whaling culture. We're important to live in the  
12 water and do the life of the lifestyle there. We need it for  
13 our bodies. We need it for the health and longevity of our  
14 communities and our region as a whole. That's what we -- what  
15 we are. Dollars per barrels are not worth those costs.

16           MR. LOMAN: Thank you Rosemary. Yes.

17           MS. ITTA: I have a few comments. My name is Natasha  
18 Itta, I-T-T-A. My question is, if we went into your home, you  
19 drank a certain kind of coffee or you drank a specific soda and  
20 that's all you drank. If there was a specific food, if you're a  
21 vegetarian, if you had any allergies. You couldn't eat gluten.  
22 You couldn't eat sugar. You needed something for you to sustain  
23 yourself due to the life. If someone went into your house and  
24 took that and told you that you could never have it again, what  
25 would you do? You would fight the fight until you were not able

1 to fight anymore, so that you can have what it takes to survive.

2 If I went into your house and told you, that cup of  
3 coffee, you were never allowed to have it. You will never have  
4 a cup of coffee ever again and if anybody else around you sees  
5 you having that, they'll take it away. That affects your day-  
6 to-day life. If that's how you survive, with that cup of coffee  
7 or that caffeine or whatever, if someone eliminated that from  
8 your way of life, you would die.

9 Seriously, if someone said, you can't have water. That's  
10 how we are. This is our place where we survive. We go out. It  
11 not only affects the ocean, it affects the land. The land -- we  
12 get snow. We get rain that feeds the berries, the caribou, the  
13 ducks, the geese, everything. So if you're saying that we can't  
14 hunt, and you're going to exploit oil in our waters, that  
15 affects the way of life and the way we live. And for you to  
16 say, you can't go out and go hunting whales, but I could still  
17 have my cup of coffee every day, I don't think so. That's not  
18 acceptable.

19 That's not something that I would -- I just had a son --  
20 he may never get to go whaling because you might affect the  
21 water that he's going to be able to go whaling in. That's  
22 craziness. I want to know that my children are going to grow up  
23 in a community where they can go out and do the things that  
24 their ancestors did from day to day. I grew up -- I got  
25 relatives that -- I for one go whaling. I don't go out in the

1 water, but I go out and I help harvest the whale. I cook it.  
2 I cut it. I disperse to everybody that comes and wants some.  
3 And for you to tell me that you are going out into the water and  
4 tell me that you're going to go drilling, and go exploring and  
5 all of this, but you can sit in your lofty offices with your  
6 \$600 chairs, your \$5,000 computers and taking your private jets  
7 and chartering planes to the little villages that you never tell  
8 anybody that you're meeting with, and telling them they're not  
9 going to be able to do that? That's not acceptable. That is  
10 not something that I want to see. I want to know that, from  
11 this generation to the next to the next, that we will still be  
12 the people that our people were before us, hunting, camping,  
13 boating, fishing every day.

14 If there's a spill, tell me that someone is not going to  
15 go out in the dead of February when it's 50 below where there's  
16 85 miles an hour winds and the wind chill is a 100 below and  
17 you're going to tell me that someone is going out and go scoop  
18 this oil up? We live in this weather. There's some days we  
19 avoid this weather. We sit inside and pray that it gets nice  
20 the next day. But for you to reassure us and tell us that  
21 someone's going to go outside in this weather. This is how  
22 bright it gets in December. And if you're telling me that  
23 someone is standing outside watching the oil and telling me that  
24 someone is going to be there to capture it, to fill it all up  
25 and put it somewhere -- put it somewhere in a container and ship

1 it off after it's touched the oceans? That's not something I  
2 want to hear.

3 I want to hear that you're going to do whatever it takes  
4 to keep this from happening. Because I've seen many, many  
5 impacts, not on just America, but of other countries too. And  
6 so I want to know that this needs to be -- all of this  
7 information needs to be shared. And I had no idea about this  
8 meeting. So I want to know that you guys are going to do  
9 whatever it takes to make sure that everybody's aware of what's  
10 going on. You can't just say, oh well I can't comment on that.  
11 I don't comment on that. That's not acceptable. We're asking  
12 you questions and you answer it. Thank you.

13 MR. LOMAN: Thank you. We're past 9:30. Anybody who  
14 hasn't spoke that would like to speak? Otherwise, sir we're  
15 going to give you the last word.

16 MR. BROWER: For the record, Charlie Brower  
17 (indiscernible) again. A lot of the money that's appropriated  
18 and approved for spending by the United States Congress has  
19 affected us up here in our country since they first started  
20 drilling in 1944, in the early 40s at Umiat. And from those  
21 drilling activity days, we are still seeing clean-up of  
22 contaminant in volumes that are mind boggling today. And I'm  
23 for one, I'm not doing -- what with -- when they're drilling up  
24 there, the air -- they haven't been there and they left the  
25 drilling. They stopped drilling in Umiat in the 50s.

1           And we're still getting money appropriated for clean-up in  
2 Umiat for something that was once (indiscernible) like anti-  
3 corrosion. But the United States Congress passed a law in 1970  
4 declaring transform fluid very caustic to human health. Just  
5 last May a DEC report that they found open containers up here  
6 PCB and 12 (indiscernible) by six inch. And some of those  
7 containers leaked out into a slough, a lagoon that drains into  
8 the Koval (ph) River drainage. And they uncovered and removed  
9 another 32 containers of the same thing that had been sitting  
10 there for a very, very, long, long time. Considering what the  
11 United Congress does in 1970, thinking it as a very caustic to  
12 human health. And they're taking their time removing or  
13 locating dangerous carcinogenic chemicals that they had left up  
14 here.

15           And it gives my mind, the impression that we are offshore  
16 drilling and they suddenly start to look like cities out there.  
17 There's no telling how much contaminant you're going to leave  
18 out there and say we depleted the oil. Hell with all the oil  
19 rigs that are sitting out on the water. In the late 70s and  
20 early 80s there were some caribous that were tagged for  
21 satellite tracking. The next number of them would break the  
22 caribous and much -- many of them were not very far from the  
23 Alaska Pipeline. The pregnant caribous would not get - they  
24 would stay over a mile away from the pipeline. The corrosion  
25 inhibitor that they using to prevent rust and corrosion inside

1 the pipeline was so carcinogenic to human health that an animal  
2 can detect it by smelling it over a mile away from the pipeline.  
3 And the pipeline is from all the way from Prudhoe Bay to Valdez  
4 and that's a big coating with corrosion inhibitor material.

5 And the only way you can remove that carcinogenic  
6 corrosion inhibitor -- that pasting into the inside wall of the  
7 pipeline needs to be removed section by section and replace it  
8 with a new one. And then use an alternative corrosion inhibitor  
9 that's not carcinogenic to human health. But the oil companies  
10 don't keep us in the inside stories. They keep it to  
11 themselves.

12 The reason why the gentleman asked about the Valdez oil  
13 spill, because all the oil comes from the North Slope. And we  
14 want to know if that oil that was that was in a danger had  
15 certain percentage of that carcinogenic material. That would be  
16 one of the main reasons for asking a question on how did it  
17 affect. What kind of impact did it have to that oil and the  
18 substance that they used for corrosion inhibitor? Those things  
19 -- those two separate things are not talked about or mentioned  
20 by either -- all parties. I worked in Prudhoe Bay. I've done a  
21 lot of oil injections. I have to know how to approach an  
22 inhibitor injections from the wellhead to the gathering place  
23 and then it flows from gathering place to a pump house.

24 Pump station number one, pump station number two, pump  
25 station number two, pump station number three until it reaches

1 Valdez. And they are allowed to pump x number of fluids with  
2 corrosion inhibitors. And that's something that oil companies  
3 got to do with that. And that raises a big question on the back  
4 of mind. If they had a large volume container stored in that  
5 platform that blew up in the Gulf of Mexico district, what  
6 happened to all that corrosion inhibitor material that was  
7 there? That they reduced to prevent rust from the pipelines  
8 that they used to pour it into if they're going to be pumping  
9 into an oil saver.

10 So, we ask questions because it affects people in the way  
11 they live. And if they're harvesting food from the ocean, they  
12 want to know what goes into the water. The same way we would  
13 not rather see that kind of stuff up here. Thank you.

14 MR. LOMAN: Thank you sir. Thank you very much for coming  
15 this evening. We appreciate your comments. And if you leave  
16 your email or mailing address, we will include you to the list  
17 to get you information about this project and any other project  
18 that we have authority or responsibility over in Alaska's OCS.

19 Again, thank you for taking your time on a Friday night  
20 and providing comments. And have a good weekend. Bye-bye.

21 UNIDENTIFIED FEMALE: Thank you for coming and hearing our  
22 voices. But still come again, but we'd like to see you more.

23 (off record 9:30 p.m.)

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**TRANSCRIBER'S CERTIFICATE**

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I, Judy Bradshaw, hereby certify that the foregoing pages numbered 2 through 85 are a true, accurate and complete transcript of the Bureau of Ocean Energy Management Regulation and Enforcement Public Hearing regarding the Environmental Impact Supplemental Statement Relating to Chukchi Sea Sale 193 held in Barrow, Alaska on November 5, 2010, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

\_\_\_\_\_  
Date  
  
\_\_\_\_\_  
Judy Bradshaw